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# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

**Addendum**

## Follow-up to country recommendations: Turkey*

*Summary*

The present report contains an analysis of the progress made by Turkey in implementing the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, following his official visit to Turkey from 26 to 30 November 2012 (A/HRC/23/47/Add.2). The recommendations in the Special Rapporteur's mission report were aimed at further reducing the rate of extrajudicial killings in Turkey, fighting impunity and strengthening the overall functioning of accountability mechanisms.

During the period under review, killings due to excessive use of force by security officers and killings of members of vulnerable groups persisted. Some measures taken by the State, including a draft law that would increase the powers of the police to use force, appear to take regressive steps. The Government of Turkey has introduced measures in an attempt to reduce domestic violence, but efforts need to be further intensified and properly implemented. Lesbian, gay, bisexual and transgender persons remain particularly vulnerable to violence and lack protection, in law and in practice. The fight against impunity remains a serious challenge and the effectiveness of investigations and the length of proceedings should be addressed. The effect of the application of the statute of limitations and the lack of fully independent mechanisms for accountability further aggravate the climate of impunity.

* The summary of the present report is circulated in all official languages. The report itself, which is annexed to the summary, is circulated in the language of submission only.

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## Annex

*[English only]*

# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

## Follow-up to country recommendations: Turkey

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# I. Introduction

1. The present report contains an analysis of the progress made by Turkey in implementing the recommendations made by the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, following his visit to the country from 26 to 30 November 2012. The country visit report (A/HRC/23/47/Add.2) was submitted to the Human Rights Council at its twenty-third session in June 2013.

2. During his visit to Turkey, the Special Rapporteur documented deaths resulting from excessive use of force by security officers; unlawful deaths from counter-terrorism operations; deaths in custody and in the context of the village guard system; and suspicious suicides of military conscripts and law enforcement officials. He noted the challenges to respect of the right to life by non-State actors; measures in the fight against impunity; and the role of human rights mechanisms in upholding the right to life.

3. The Special Rapporteur made recommendations in the following broad areas: protection of the right to life for vulnerable groups; the capacity of accountability mechanisms and the functional and operational independence of such mechanisms; law reform to ensure greater protection of the right to life; and awareness-raising campaigns and education to enhance protection of vulnerable groups, in particular lesbian, gay, bisexual and transgender persons.

4. At the time of the Special Rapporteur's visit, various reforms and measures aimed at increasing the protection of human rights and the right to life in particular were already under way. Since his visit, Turkey has made progress in addressing some of the concerns and recommendations that he had expressed. However, additional measures are still required to properly ensure the protection of the right to life of civilians and public officials alike. In particular, vulnerable groups remain at risk of violation of their rights and the perception and practice of impunity continues.

# II. Methodology

5. In its resolution 26/12, the Human Rights Council urged States to, inter alia, cooperate with and assist the Special Rapporteur in the performance of his or her task, supply all necessary information requested by him or her and ensure appropriate follow-up to his or her recommendations and conclusions, including by providing information to the Special Rapporteur on the actions taken on those recommendations (para. 8).

6. In order to follow-up his country visit, the Special Rapporteur requested information from the Government of Turkey, and from other actors, on the steps taken to implement his recommendations. The Government responded on 28 October 2014, and a draft of the present follow-up report was submitted to the Government for comments on 19 March 2015. The Government submitted its comments on 20 April 2015.

7. The Special Rapporteur thanks the Government of Turkey for its response and comments on the present report and for providing information on the measures taken to implement the recommendations contained in his country visit report. He also expresses his gratitude to all stakeholders who contributed to the present report.

# III. Violations of the right to life by State actors

## A. Deaths resulting from excessive use of force by security officers

8. In his country visit report, the Special Rapporteur found that the Turkish legal framework surrounding possible deprivation of life in the context of use of force was insufficiently precise and could result in an overly broad interpretation of the conditions under which lethal force was permissible.

9. The Special Rapporteur recommended that Turkey amend article 17 of its Constitution to bring the formulation of the right to life into line with international standards, by providing that no one shall be arbitrarily deprived of his or her life (see A/HRC/23/47/Add.2, para. 95). The Special Rapporteur takes note of the information provided by the Government that article 13 of the Constitution provides that fundamental rights and freedoms may be restricted by law and in accordance with the reasons mentioned in the relevant articles of the Constitution.[1] A reading of articles 13 and 17 of the Constitution does not remove the risk that those provisions may be interpreted too broadly and the Special Rapporteur reiterates that the provisions of the Constitution should reflect the international understanding of the right to life, as set out in the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)[2] and the Code of Conduct for Law Enforcement Officials (1979).[3]

10. The Special Rapporteur also recommended that the laws regulating the use of force by law enforcement officers be brought into line with international standards and that the terms "necessity" and "proportionality" reflect their interpretation under international law, whereby lethal force may only be used as a last resort to protect life (ibid., para. 96).

11. The Special Rapporteur notes with regret that, in its response of 28 October 2014, the Government indicated that it considered its normative regulations on the use of force to be sufficient. The Special Rapporteur expresses concern over reports received that, as part of the Internal Security Reforms Package, law enforcement officers will be granted wider powers to use force. The draft law to amend various articles of the Law on the Duties and Powers of the Police and articles of statutory decrees, which is currently before the General Assembly of the Turkish Parliament, provides for increased police powers without appropriate safeguards. It will allow the police to use firearms against individuals who attack or attempt to attack buildings, residences, workplaces, vehicles and other places where individuals or crowds are present, by using explosives, burning, suffocating, injurious or similar weapons. The draft law provides that firearms should be used with the aim of rendering the attack ineffective and to the degree required to render the attack ineffective; however, it does not contain the safeguards required under international human rights law, whereby lethal force may only be used to protect life. The draft law is in direct contradiction to the Special Rapporteur's recommendation and has been widely criticized.[4]

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[1] Response from the Government of Turkey, 28 October 2014 (State response, October 2014), available for consultation in the files of the secretariat.

[2] Adopted at the eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana from 27 August to 7 September 1990.

[3] Adopted by the General Assembly in its resolution 34/169.

[4] Human Rights Watch, "Turkey: Security Bill Undermines Rights" (11 December 2014), available from www.hrw.org/news/2014/12/11/turkey-security-bill-undermines-rights; "Is Turkey Just Copying the EU in Increasing Police Powers?" (16 February 2015), available from www.hrw.org/news/2015/02/16/turkey-just-copying-eu-increasing-police-powers; and News24, "Fight breaks out in Turkish Parliament" (18 February 2015), available from

12. The adoption by the Council of Ministers of the Action Plan for the Prevention of Violations of the European Convention on Human Rights[5] is a commendable and welcome step.[6] The Action Plan aims to harmonize existing laws with the European Convention and to reduce violations of rights and thus the number of cases brought against Turkey before the European Court of Human Rights. Measures provided for under subheading 1.5, Prevention of the use of force and arms without the presence of legal requirements, include revision of the conditions for using force and arms regulated by Law No. 2559 on Duties and Powers of the Police, and other relevant legislation in respect of their compliance with the case law of the European Court and making necessary amendments thereto; ensuring training to law enforcement officers and other personnel on the use of firearms; and preparation of a guide setting out the conditions for the use of force and firearms in accordance with the standards set out in the case law of the European Court.

13. The excessive use of force by law enforcement officers during assemblies and arrest remains a serious concern, as does the use of tear gas and pepper spray.[7] The force used by the police during the Gezi Park protests in 2013 resulted in the death of nine civilians, including a 14-year-old child, and injury to more than 8,000 people, of which 104 people had sustained serious head injuries and 11 people lost an eye. The Special Rapporteur notes that the Action Plan was evoked in the cases of the *Oya Ataman Group*, application No. 74552/01 (lead), which was under the supervision of the Council of Europe Committee of Ministers.[8] The Special Rapporteur also notes the measures taken by Turkey, following the allegations of excessive use of force by the police during the Gezi Park protests.[9] The circumstances in which around 40 people, including children, died during demonstrations across Turkey in October 2014 are still under investigation.[10]

14. Incorrect or excessive use of "less-lethal" weapons has resulted in serious and permanent disability of a number of civilians in Turkey.[11] The Special Rapporteur recommended that security officers receive further training on the principles of necessity and proportionality, including on the appropriate use of methods other than lethal weapons (ibid. para. 98). In that regard, the Action Plan is again a welcome step, in particular the activities listed under subheading 2.1 on the proportionate use of force only when it is definitely necessary during meetings, demonstrations and arrest and police custody proceedings. The Special Rapporteur notes the Government's response that in-service training on "human rights and proportional force" and on the use of "less-lethal" equipment, devices and defence weapons is provided to riot-control officers.[12]

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http://www.news24.com/World/News/Fight-breaks-out-in-Turkish-parliament-20150218.

[5] See www.inhak.adalet.gov.tr/duyuru/ACTION%20PLAN%20ON%20PREVENTION%20OF.pdf.

[6] The Special Rapporteur would have liked to see a national action plan on human rights, with reference to international human rights standards.

[7] See also European Commission, "Turkey Progress Report" (October 2014), available from http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf.

[8] See www.coe.int/t/dghl/monitoring/execution/Reports/pendingCases_en.asp?CaseTitleOrNumber=Ataman&StateCode=TUR&SectionCode.

[9] See https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2572357&SecMode=1&DocId=2169188&Usage=2.

[10] See "Kurds protest in Turkey over besieged Syrian town", *Aljazeera America* (8 October 2014), available from http://america.aljazeera.com/articles/2014/10/8/kurds-protest-turkeykobaneisil.html.

[11] Amnesty International USA, "Gezi Park protests: brutal denial of the right to peaceful assembly in Turkey" (2 October 2013), available from www.amnestyusa.org/research/reports/gezi-park-protests-brutal-denial-of-the-right-to-peaceful-assembly-in-turkey; see also Human Rights Watch, "Turkey: End incorrect, unlawful use of teargas" (17 July 2013), available from www.hrw.org/news/2013/07/16/turkey-end-incorrect-unlawful-use-teargas.

[12] State response, October 2014.

15. The Government of Turkey stated that tear gas has been used legally by the police to suppress riots and other turbulent incidents and that its use in such events is regulated by the Law on Development, Production, Storage and Prohibition on the Use of Chemical Weapons (2006) (see A/HRC/23/47/Add.6, para. 8). The Special Rapporteur was also informed that advanced training is being provided to personnel responsible for giving orders to use tear gas, in March and April 2015 and he is aware of the Directive on the Operational Principles and Procedures Charged in Social Events that finds application across the State and is aimed at ensuring a proportionate use of force by the police. The Special Rapporteur also notes the call by the European Commission that non-compliance with the June and July 2013 circulars from the Ministry of the Interior on the use of tear gas by riot police and action taken in cases of social unrest should be consistently and immediately penalized.[13] The Special Rapporteur welcomes the proposed revision of and, if necessary, amendments to the Meetings and Demonstration Marches Act (Law No. 2911) to bring it in line with the case law of the European Court of Human Rights, as well as emphasis on the standards set out in the case law of the European Court on training provided to law enforcement officers.[14] Although the Special Rapporteur welcomes those measures, he is seriously concerned about the draft law to amend various articles of the Law on the Duties and Powers of the Police and articles of statutory decrees, as it will not address the concerns raised in relation to restrictions on the right to peaceful assembly, excessive use of force and concerns regarding public-order policing. It is unfortunate that the draft law contains provisions granting greater powers to the police with regard to searches and arrests, without providing for the requisite judicial oversight, and it will substantially widen the use of firearms by police, without the requisite safeguards.

## B. Unlawful deaths in counter-terrorism operations

16. In his country visit report, the Special Rapporteur acknowledged that the fight against terrorism in Turkey presented a number of significant challenges, and he called on the Government to, in particular, amend article 2 of the Law on the Fight against Terrorism (No. 3713) to reflect the international interpretation of the principle of proportionality and to stipulate that lethal force shall only be used as a last resort where there is an imminent threat to life (see A/HRC/23/47/Add.2, para. 97). While that should have read as "additional" article 2,[15] he notes with regret that no amendment to reflect international standards has been made to additional article 2 of the law.

17. In its response regarding the implementation of the Special Rapporteur's recommendations, the Government indicated that in-service training on the use of non-lethal equipment, devices and defence weapons was organized for riot-control officers and that all training programmes dedicated at least two hours to human rights and the use of proportionate force. Other information received indicated that training on the principles of proportionality and necessity is conducted for security officers, but does not form part of the in-service training.

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[13] European Commission, "Turkey Progress Report" (October 2014), p. 15 (see footnote 7) available from http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-turkey-progress-report_en.pdf.

[14] Turkey, "Action Plan for the Prevention of Violations of the European Convention on Human Rights", subheading 2.1.

[15] Additional article 2 of Law 3713 on the Fight against Terrorism provides that, during operations carried out against terrorist organizations, in case of disobedience to a call to surrender or an attempt to use firearms, security forces are entitled to the use of firearms towards the target directly and without hesitation, to the degree and proportion as to neutralize the threat.

18. In his report, the Special Rapporteur recommended that operations to counter terrorism must be in compliance with international principles; the use of force should be resorted to only when necessary and proportionate; civilian harm should be minimized; civilians should never be targeted; and injury or killing of civilians should be promptly and thoroughly investigated and, where appropriate, accountability should be sought (ibid., para. 99).

19. In its response to that recommendation, the Government of Turkey indicated that personnel rendering service in anti-terrorism units received basic anti-terrorism training and training in police defence tactics and methods of arrest and detention, and that a course on human rights was also included in the curriculum.[16] The Special Rapporteur was also informed that the personnel in charge of counter-terrorism units regularly participated in in-service courses to ensure that they protect rights and freedoms and respect human rights in the performance of their duties to prevent terrorist-related crimes.

20. With regard to the Uludere/Roboski incident, in which 34 civilians were killed in an aerial bombardment carried out by the Turkish Air Force in 2011, the Special Rapporteur called on the State to undertake, as a priority, an effective, prompt, impartial and transparent criminal investigation into the incident (ibid., para. 100). The Special Rapporteur notes with regret and expresses concern that no gendarmerie personnel have been prosecuted for that incident and that a verdict of non-prosecution was issued in January 2014 on the grounds that the armed forces had committed an unavoidable error while fulfilling their duties.

21. The Special Rapporteur also recommended that the Uludere Subcommission of the Turkish Grand National Assembly release its overdue final report without delay and ensure full transparency in its work by publishing the content of all the evidence used for its findings. In its response, the Government of Turkey indicated that the Subcommission had published its report on 27 March 2013, in which it explained that the findings of the Subcommission were based on aerial reconnaissance and interviews and that all evidence justifying the findings of the Subcommission were presented in the report.[17] The Special Rapporteur was informed that the report had been criticized for failing to pinpoint responsibility for the incident and that no administrative action had been taken against any individual for the incident.

22. The Special Rapporteur was also informed that human rights violations continued to occur in the context of counter-terrorism operations and that exercise of the right to freedom of assembly was often viewed by the Government as attempts to weaken the democratic order. In a positive step, Parliament recently adopted the Law on Ending Terrorism and Strengthening Social Integration, which provides for stronger legal grounds for the Kurdish settlement process and legal protection for members of the Kurdistan Workers' Party (PKK) who surrender arms.

## C. Village guard system

23. The Special Rapporteur raised serious concerns about the village guard system operating throughout Turkey. Village guards have reportedly been involved in human rights violations, including violations of the right to life, and the lack of sufficient safeguards against potential abuses committed by village guards as well as their functioning outside of the standard training and disciplinary procedures applicable to law enforcement officers is of concern (ibid., para. 29). In its comments on the country visit report, the Government of

[17] State response, October 2014.

Turkey indicated that Law No. 442 on the Villages and the by-law of 2008 governed the village guard system and provided an efficient oversight mechanism (see A/HRC/23/47/Add.6, para. 11).

24. Nonetheless, the Special Rapporteur recommended that the Government abolish the village guard system (see A/HRC/23/47/Add.2, para. 102). In 2012, the Council of Europe Commissioner for Human Rights made a similar recommendation,[18] which was echoed during the universal periodic review of Turkey, in 2015 (see A/HRC/WG.6/21/TUR/3, para. 68). The Special Rapporteur notes with regret that no attempt has been made to abolish the village guard system and that village guards remain on active duty.

## D. Deaths in custody

25. During his visit, the Special Rapporteur noted the positive measures taken to improve prison conditions and surveillance, which had contributed to a significant decrease in deaths in custody. Nonetheless, deaths in custody continue to occur, the majority after instances of torture or ill-treatment.

26. The Special Rapporteur recommended the establishment of a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without delay (see A/HRC/23/47/Add.2, para. 104). The Government stated that the Turkish Human Rights Institution was the designated national preventive mechanism pursuant to Decree no. 2013/5711 which was published in the Official Gazette on 28 January 2014.[19] While this may be seen as a positive measure, concerns have been raised about the independence of the Institution and its capacity, in terms of sufficient and trained staff and the budget to fulfil its mandate.

27. The Special Rapporteur called for prompt reporting of deaths in custody and independent and public investigations into such deaths. He urged Turkey to ensure that surveillance cameras in security and detention facilities were fully operational and that footage from the cameras was available immediately and in its entirety (ibid., paras. 103 and 105). In its response, the Government of Turkey stated that surveillance cameras had been installed in 97 per cent of detention facilities, in all the common areas, including interview rooms.[20] It also indicated that juvenile detention centres were being equipped with individual self-locking cells and centrally monitored camera systems.

28. The Special Rapporteur notes with concern reports that installed surveillance cameras are not always fully operational.

## E. Suspicious suicides of military conscripts and law enforcement officials

29. The Special Rapporteur noted the large number of suicidal deaths of law enforcement officers and soldiers and was informed that, in some instances, the suicides may have been falsified or forced. In 2013, the Turkish Defence Minister revealed that between 2002 and 2012, more soldiers had committed suicide than those killed in the performance of their duties. It was reported that 601 soldiers of the Turkish Army were killed in conflict, while 965 soldiers were pronounced dead by suicide.

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[18] See Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to Turkey from 10 to 14 October 2011 (CommDH(2012)2), para. 147.

[19] See State response, October 2014.

[20] Ibid.

30. Concern was expressed that formal investigations were never brought, and when conducted, they were inadequate and did not result in the identification of perpetrators nor prosecution. The Special Rapporteur recommended that all cases of suicide in the military or security services be reported promptly, that they be independently and publicly investigated and that families and lawyers be provided with full access to information and sources of evidence (ibid., para. 103). In its response, the Government indicated that the relevant prosecutor was promptly informed of all cases of suicide within the general command of the gendarmerie in order to ensure that a judicial investigation is initiated, and that administrative investigations carried out in the relevant military units were examined by their legal advisers and the necessary steps are taken. All suicides are recorded and first-degree relatives are able to intervene at any stage of the investigations or prosecution.[21]

31. The Special Rapporteur noted failures in transparency in cases of suicide. He called for the establishment of an independent mechanism to receive complaints from the military and to ensure investigations are carried out (ibid., para. 106). The Special Rapporteur welcomes the report that the parliamentary Human Rights Inquiry Committee has started monitoring complaints from military conscripts of ill-treatment within the military service. The Government has also indicated that all military personnel are screened and interviewed by guidance and counselling centres and that a 24-hour hotline had been established for conscripts wishing to remain anonymous. Conscripts are referred to medical institutions for treatment as necessary and relevant follow-up procedures are carried out.[22]

32. The Special Rapporteur considers the activities for the prevention and effective investigation of suicides in the military as a welcome step in the protection of the right to life,[23] in particular, the determination of negligent executives in incidents of suicide in the military and measures to prosecute them.

33. Nonetheless, despite those positive measures, there is still no independent mechanism to handle complaints from military conscripts; ill-treatment continues; and lesbian, gay, bisexual and transgender persons remain particularly vulnerable.

# IV. Challenges to respect of the right to life by non-State actors

## A. Deaths resulting from attacks by armed groups

34. Attacks by various armed groups and acts of terror pose serious threats to the right to life in Turkey, for both law enforcement officials and innocent civilians. The State has a duty to protect civilians from such attacks; bring perpetrators to justice; and ensure that victims of such attacks and their families receive compensation.

35. The ceasefire agreement between the Government of Turkey and the Kurdish Workers Party (PKK) is an important step towards ending the three-decade conflict. The Special Rapporteur has, however, received information of continuing violence, including kidnappings and armed attacks that have resulted in the death of civilians and military personnel.

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[21] Ibid.

[22] Ibid.

[23] Turkey, "Action Plan for the Prevention of Violations of the European Convention on Human Rights", subheading 1.1 (see footnote 14).

## B. Deaths resulting from violence against women

36. Violations of the right to life of women in Turkey are a serious challenge and were extensively reported to the Special Rapporteur during his visit, especially in the context of domestic violence and "honour" killings.

37. The Special Rapporteur commended Turkey for ratifying the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention); enacting legislation on the prevention of violence against women; and making efforts to establish a national action plan to fight domestic violence. However, despite those efforts, bold steps are required to ensure the effective and swift implementation of the legal framework. The Special Rapporteur recommended that priority be given to improving the functioning of the protection orders system and establishing a mechanism to regularly monitor the functioning of the system (ibid., para. 112). The Special Rapporteur learned that a process was under way to update the activities in the National Action Plan for the period 2016 to 2019 and was aware that a cooperation protocol had been signed by relevant ministries for a pilot project to utilize technical surveillance with a view to combatting violence against women. In that regard, Turkey is also conducting an impact analysis study of Law No. 6284 on Protection of Family and Prevention of Violence against Women.

38. The Special Rapporteur recommended that security officers and members of the judiciary be investigated and held accountable for failure to act with regard to registering complaints and issuing and enforcing protection orders (ibid., para.113).

39. Although the 2005 Penal Code abolished de facto reduction of sentences for perpetrators of honour killings, uneven legal interpretation of article 82 of the Penal Code has resulting in perpetrators of honour killings receiving lighter sentences. Article 82 of the Code regulates crimes punishable by aggravated life imprisonment and refers to "custom killing" rather than "honour killing"; some courts have determined that honour killings do not fall within the scope of article 82. The Special Rapporteur recommended that article 82 be understood as including honour killings under "custom" and that there should be a uniform legal interpretation of that article in order to ensure that the highest penalty is always applied in cases of honour killings (ibid., para. 108). In its response, the Government indicated that Turkey was bound by the Istanbul Convention, which became effective on 1 August 2014 and provides for measures to be adopted to ensure that motives, such as honour, are not considered as an excuse for acts of violence.[24]

40. While the efforts to establish infrastructure necessary to minimizing violence against women are commendable, the rate of violence against women in Turkey remains very high. The violent murder of university student Özgecan Aslan, in February 2015, triggered demonstrations across Turkey protesting violence against women, and the State's failure to provide adequate protection to women and ensure prosecutions was brought to the attention of the Special Rapporteur. The Government undertook to adopt an action plan to address violence against women. It was also reported that 118,014 women had filed complaints with the police alleging violence in 2014 — a significant increase from the 82,205 complaints registered in 2013.[25] The Special Rapporteur called for continued awareness-raising campaigns and training of security officials and professionals of the judiciary on the rights of women (ibid., para. 114). In its response, the Government provided comprehensive information on the various measures currently being implemented in that regard. Public awareness-raising meetings were being organized at all levels throughout the State on Law

[24] State response, October 2014.

[25] See *Anatolian Agency*, www.aa.com.tr/tr/haberler/467680--siddet-goren-125-kadin-kimlik-degistirdi.

No. 6284 and its implementation, and other positive measures, including awareness-raising and training for State officials, have been undertaken.[26]

41. The Women's Shelter Project for Combating Domestic Violence (2014–2016) is aimed at strengthening and reinforcing activities to combat violence against women in 26 provinces, through the improvement of support services to women victims of violence. It is a capacity-building, training and cooperation project that addresses coordination and quality of shelter service provision, among others. Enhanced collaboration by central and local government bodies and local NGOs and strengthening capacity to combat violence against women are some of the expected results. The United Nations in Turkey has also supported training for judges, prosecutors, the police, armed forces and gendarmerie on gender equality, gender-based violence, international conventions and implementation of preventive and protective legislation.

## C. Killings of lesbian, gay, bisexual and transgender individuals

42. The Special Rapporteur highlighted the vulnerability of lesbian, gay, bisexual and transgender persons in Turkey. The Special Rapporteur recommended that Turkey enact comprehensive and specific legislation on hate crimes in accordance with international standards and review legislation to include language sensitive to gender identity and sexual orientation (ibid., paras. 109 and 110).

43. Turkey indicated, in its response, that an amendment to article 122 of the Criminal Code, introduced in 2014, provides for hate crimes.[27] However, the Special Rapporteur notes with regret that sexual orientation has not been included as a ground.

44. The Special Rapporteur was also informed that a draft law on the establishment of an anti-discrimination equality board was still pending before the Office of the Prime Minister. It is unfortunate that references to gender identity and sexual orientation were removed from the bill in the early stages of drafting.[28] Turkey has yet to enact hate crime-specific legislation that is inclusive of gender identity and sexual orientation.

45. The Law to Protect Family and Prevent Violence Against Women is silent on gender identity and sexual orientation.

46. The challenges relating to the protection of lesbian, gay, bisexual and transgender persons are exacerbated by the attitude of some family members of such individuals, as well as the trend observed by the Special Rapporteur during his visit, whereby law enforcement officials and the judiciary seem to take a lenient attitude towards crimes committed against such individuals. In order to address those challenges, the Special Rapporteur recommended that awareness-raising campaigns and training should be launched on the rights of those individuals (ibid., para. 114). The Government of Turkey informed the Special Rapporteur that members of the judiciary were under an obligation to investigate and adjudicate crimes against lesbian, gay, bisexual and transgender persons.[29] Despite this, it appears that discrimination and lenient attitudes continue, in practice.[30] The Special Rapporteur notes with regret that no explicit training or awareness-raising

[26] State response, October 2014.
[27] Ibid.
[28] See European Commission, "Turkey Progress Report" (October 2014), p. 59 (see footnote 7).
[29] State response, October 2014.
[30] See, "Human Rights Violations of LGBT Individuals in Turkey", available from www.kaosgldernegi.org/resim/yayin/dl/upr_submission_on_lgbt_ppl_in_turkey.pdf.

campaigns in relation to the rights and protection of lesbian, gay, bisexual and transgender persons are taking place in the country.

### D. Right to life of journalists

47. The Special Rapporteur highlighted the vulnerability of journalists based on information received about the risks faced by journalists in the performance of their activities. He recommended that all complaints of violence and death threats be promptly registered and effectively investigated, that a system to monitor the registration and investigation of such complaints be developed and, where there is sufficient evidence of violation, criminal investigations and prosecutions should be initiated (ibid., para. 111).

48. Commenting on the recommendation, the Government of Turkey highlighted the system of reporting and of investigating death threats under article 158 of the Turkish Criminal Procedure Code and Circular 10 from the High Council of Judges and Prosecutors. Those provisions require prosecutors to criminally investigate all allegations regarding death threats, regardless of the victim's willingness to file a formal complaint. The complaint is referred to the relevant administrative authority, which will provide protection to the individual. Disciplinary investigations are initiated if it is found that the administrative authority failed to provide such protection (see A/HRC/23/47/Add.6, paras. 33–36).

49. The Special Rapporteur welcomes the joint project by Turkey and the European Union to train approximately 400 new judges and prosecutors in "effective investigations".

## V. Fight against impunity

### A. Killings in the 1990s and mass graves

50. In his report, the Special Rapporteur noted that only a handful of trials have been conducted in relation to the thousands of unresolved execution-type killings, deaths in custody and enforced disappearances suspected to have been committed by State officials and members of the PKK during the 1990s. The Special Rapporteur was informed, and other international bodies have also noted, the lack of a comprehensive approach to the right to remedy and reparation for victims of human rights abuses during that period.[31] The Special Rapporteur urged the State authorities to ensure that the killings that occurred in the 1990s are investigated in a transparent manner and that the perpetrators are brought to justice. He expressed concern at the discovery of mass graves, which are believed to contain the remains of victims of enforced disappearances and members of illegal militant organizations, dating back to the 1980s. The Special Rapporteur emphasized the importance of ensuring investigations into the graves, in conformity with the United Nations Model Protocol for a Legal Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol).

51. The Special Rapporteur recommended the establishment of an independent body to investigate political killings that remain unaccounted for and to make recommendations regarding prosecutions and other transitional justice and accountability measures (see

[31] A/HRC/WG.6/21/TUR/3, para. 38, and CCPR/TUR/CO/1, para. 11.

A/HRC/23/47/Add.2, para. 115). The Human Rights Committee made a similar recommendation in 2012.[32]

52. The Special Rapporteur welcomed the Government of Turkey's comment that special prosecution offices tasked with investigating political and mass killings existed in 11 regions of the country (see A/HRC/23/47/Add.6, para. 37). However, he notes with regret that an independent investigatory body has not been established.

53. The Special Rapporteur also called for an urgent forensic investigation into the mass graves, in compliance with the Minnesota Protocol, and for the involvement of the families of the victims in said investigation (see A/HRC/23/47/Add.2, para. 116). In its response, Turkey indicated that on the application of the Şanliurfa office of the Human Rights Association, a delegation from the Turkish Human Rights Institution undertook on-site investigations in Şanliurfa and Siverek into allegations that human bones had been found during an excavation. A report of the investigation was published on the website of the Institution and sent to the relevant authorities.[33]

## B. Effectiveness of investigations and length of proceedings

54. The Special Rapporteur stated that impunity for killings manifested itself in slow or inadequate investigations and prosecutions and was widely believed to be due to lack of political will, exacerbated by a deferential approach to the executive by prosecutors, as well as shortcomings in the independent and effective functioning of the judiciary, inadequate forensic services and lack of an independent complaints mechanism regarding law enforcement officials. He recommended that crime scene investigation procedures be improved and monitored so that violations by State actors are investigated independently and that the Forensic Medicine Institute be endowed with independence, and its capacity increased to conduct forensic and autopsy procedures in a swift, effective, impartial and transparent manner (see A/HRC/23/47/Add.2, paras. 58, 118 and 119).

55. The Government indicated that the Forensic Medicine Institute was subordinate to the Ministry of Justice, and that it carried out its work impartially. The participation of impartial experts assigned by parties was permitted and the Institute is a member of the European Network of Forensic Science Institutes (ENFSI). The Government explained that prosecutors tasked the Gendarmerie to conduct preliminary investigations where the crime is alleged to have been perpetrated by the Police, and vice versa. It stated that, in instances where both the Police and Gendarmerie are jointly implicated, the prosecutor would carry out the investigation and collect all the evidence (see A/HRC/23/47/Add.6, paras. 18 and 19). However, the Special Rapporteur was informed that, in practice, the same police or gendarmerie units alleged to have committed the violation often undertake the collection and recording of forensic evidence.

56. The Special Rapporteur notes that no reform has been undertaken in relation to the functioning of the Forensic Medicine Institute.

57. The Special Rapporteur expressed concern that the application of the statute of limitations for unlawful killings further aggravated the climate of impunity. He recommended that the statute of limitations be removed for all violations of the right to life (see A/HRC/23/47/Add.2, paras. 62 and 117). The Special Rapporteur welcomes the fact that the statute of limitations, due to a recent amendment, no longer applies to the crime of torture.

[32] CCPR/TUR/CO/1, para. 11.
[33] State response, October 2014.

58. The Special Rapporteur was concerned that the provision removing the statute of limitations for prosecution of torture would not be applied retrospectively, thereby limiting access to justice for thousands of killings and enforced disappearances that occurred in the 1990s. In its comment, Turkey indicated that prosecutors and judges, in accordance with the principles established in the jurisprudence of the European Court of Human Rights, were required to interpret the provision in a broad manner, which would ensure that the interpretation precludes the application of the provisions on statutory limitations for all acts considered as crimes against humanity, genocide and torture (see A/HRC/23/47/Add.6, para. 22). In the light of that information, the Special Rapporteur was concerned to learn that a military prosecutor had handed down the decision to close a case concerning the aerial bombardment by the Turkish Air Force in 1994 of two villages in the southeast, in which dozens of villagers were killed, on the grounds that the statute of limitations had been exceeded, despite the ruling by the European Court, which found violations of the right to life, and lack of an effective investigation. [34]

## C. De facto immunity of public officials

59. The Special Rapporteur was concerned about the lack of clarity as to whether administrative permission was required from the relevant Governor in order to initiate legal proceedings against public officials in instances of unlawful killings. He recommended that, if no such administrative authorization was required, the Government should make that fact more widely known and that prosecutors should immediately cease the practice of waiting for such authorization before initiating proceedings (see A/HRC/23/47/Add.2, paras. 64, 65 and 123).

60. The Special Rapporteur was informed that initiation of investigations and prosecutions of law enforcement officials is still subject, in practice, to the requirement of administrative authorization.

61. The Special Rapporteur expressed concern about the unnecessarily slow pace of investigations and prosecutions of law enforcement officials, which seems to continue despite the concerns that have been raised.

62. The Special Rapporteur was informed that, in some cases, public officials suspected of having committed human rights violations have been promoted. He urged the Government to ensure that officials under investigation for a violation of the right to life are not allowed to remain on active duty nor receive a promotion (ibid., paras. 67 and 124). In its response, Turkey indicated that, under article 65 of the Personnel Law of the Turkish Armed Forces, military personnel suspended from duty or detained on remand may not be promoted, and further action is taken based on the outcome of the legal proceedings.[35] The Special Rapporteur is of the opinion that suspension of promotion and benefits should apply to all public officials suspected of having committed a violation of the right to life and should not be limited to those individuals who have been suspended from duty or detained on remand.

63. In his report, the Special Rapporteur highlighted the importance of creating an independent complaints mechanism to combat impunity among public officials. He acknowledged the Government's efforts to create such a mechanism, including the draft law on Law Enforcement Monitoring Mechanism 2012, but expressed concern about the

[34] European Court of Human Rights, *Benzer & Others* v. *Turkey* (Application no. 23502/06), judgement of 12 November 2013.

[35] State response, October 2014.

organizational independence of the commission to be created pursuant to the draft law. He urged Turkey to ensure the organizational independence and the impartiality of the oversight commission to be created, and recommended that a similar monitoring mechanism be established to examine complaints regarding all acts of the Turkish Armed Forces and the military duties of the Gendarmerie (ibid., paras. 62 and 125).

64. The Government of Turkey stated that the Boards of Inspection and Internal Monitoring Units attached to the General Command of the Gendarmerie examined complaints relating to the military duties of the Gendarmerie.[36] The Special Rapporteur welcomes the internal oversight procedures within the Gendarmerie, but again urges the Government of Turkey to establish a complaint mechanism that is both functionally and operationally independent to ensure accountability for the violations of the right to life. He notes that the Ministry of the Interior has taken some positive steps towards the establishment of an Independent Law Enforcement Complaints Commission in the context of the European Union pre-accession programme. However, concern remains regarding the independence of the Commission as it will be composed primarily of members from the Ministry of the Interior, as such close ties with the executive branch risks hampering the Commission's ability to execute effective oversight.[37]

## D. Reprisals

65. In his report, the Special Rapporteur noted that the climate of impunity was reinforced by the practice of reprisals against witnesses, families of the victims and human rights organizations, by the filing of countercharges. Often the countercharge cases proceed more swiftly than the investigation into the original case. The Special Rapporteur recommended that Turkey take steps to reverse and stop the trend of reprisals against complainants and ensure investigation into and accountability for all cases of threats and coercion (ibid., paras. 70, 71 and 126). The Special Rapporteur continues to receive reports of reprisal action being taken against complainants of torture or ill-treatment.

66. The Special Rapporteur was informed of threats and intimidation against victims, their families, witnesses and human rights advocates, resulting in unwillingness on their part to participate in legal proceedings due to fear of harm. The Special Rapporteur urged Turkey to strengthen witness and victim protection as a priority (ibid., paras. 73 and 127).

67. The Special Rapporteur welcomes the implementation of the European Union Twinning Project on strengthening witness protection capacities in Turkey, through which witness hearing rooms are to be built for each court located in the main cities of 81 provinces. The rooms will allow for two-way simultaneous audio and visual transmission, which will allow the identity of the witnesses to remain anonymous and protect them from risk of harm.[38]

## E. Prosecutorial and judicial discretion

68. Problems with accountability in Turkey are sometimes exacerbated by the inappropriate exercise of prosecutorial and judicial discretion. The Special Rapporteur

[36] State response, October 2014.

[37] See Biriz Berksoy, *Military, Police and Intelligence in Turkey: Recent transformations and needs for reform*, TESEV Democratization Programme, Policy Report Series (June 2013), p. 24, available from http://www.tesev.org.tr/assets/publications/file/01082013160934.pdf.

[38] State response, October 2014.

made recommendations aimed at overcoming some of those challenges and strengthening accountability measures, including that, in cases of unlawful killing, the prosecutor should always bring charges for killing and never for a lesser crime and should not misuse certain arguments to reduce sentences (ibid., paras. 75, 120 and 121).

69. The Special Rapporteur welcomes the clarification by the Government that prosecutors are required to act in accordance with the duties and powers entrusted by the Code of Criminal Procedure, and that it is not possible to bring charges for a lesser crime in instances of killing.[39] However, he is still concerned about reports received that public officials often receive lighter sentences when found guilty of torture, ill-treatment or even fatal shootings.[40]

70. The Special Rapporteur was informed that the practice of misusing arguments of mitigating factors continues, especially in relation to lesbian, gay, bisexual and transgender victims. The broad framing of article 29 of the Criminal Code without a definition or guidelines on the meaning of "unjust act" could allow for a subjective interpretation and abuse of the provisions of the article. With regard to lesbian, gay, bisexual and transgender persons, the courts sometimes reduce the sentence of the perpetrator by deciding that the victim's sexual orientation or gender identity itself constitutes an "unjust act".

71. The Special Rapporteur was also informed that accountability for violations to the right to life is further hindered by the workload and backlog of cases in the judicial system, which creates additional barriers to accessing remedies for violations. The Government of Turkey has taken various positive steps in that regard, including increasing the number of chambers and members of the Court of Cassation and the Council of State; creating district and regional courts of appeal (which are not yet operational); and improving the legal aid system.

# VI. Role of human rights mechanisms in upholding the right to life

## A. Creation of the Turkish Human Rights Institution

72. In his country visit report, the Special Rapporteur considered the creation of the Turkish Human Rights Institution as potentially an important step in strengthening the protection of human rights, including the right to life. However, there was concern about the independence of the institution. The Special Rapporteur underlined the importance of ensuring the independence of the Institution, in law and in practice, and recommended that the legal framework be reviewed to assess the level of conformity with the principles relating to the status of national institutions (Paris Principles) (see General Assembly resolution 48/134, annex) (ibid., paras. 82, 83 and 128).

73. The Government of Turkey provided a comprehensive outline of the measures that, in its view, are in place to ensure the independence of the Institution,[41] including the establishment of an independent institution vested with legal personality, and the administrative and financial autonomy to use its powers and perform its duties independently of any other body, authority or person. The Government stated that the functions of the Turkish Human Rights Institution included all those specified in the Paris

[39] State response, October 2014.

[40] See Amnesty International "Turkey: Ali Ismail Korkmaz convictions fail to bring justice", public statement (21 January 2015).

[41] State Response, October 2014.

Principles, namely, protection of all human rights, in particular civil, political, economic and social rights. It stated that the law establishing the Institution conferred upon it the powers and duties which enable effective communication with the social forces (of civilian society) involved in the protection and promotion of human rights to ensure the representation of those forces in the Institution in a pluralist manner. The Government emphasized that the Turkish Human Rights Institution is in compliance with the Paris Principles.

74. Nonetheless, there have been indications that the law establishing the Turkish Human Rights Institution is still widely regarded as falling short of the Paris Principles, especially in relation to its independence from the executive branch. United Nations human rights mechanisms have recommended that the law be amended to guarantee the organic and financial independence of the national human rights institution, in full compliance with the Paris Principles.[42] Concerns have also been expressed that the Subcommittee on Accreditation of the International Coordinating Committee of National Human Rights Institutions has not reviewed the Turkish Human Rights Institution, nor has the Institution requested a review.

## B. Creation of the Ombudsman Institution

75. The Ombudsman Institution is accountable to Parliament and is tasked with receiving and investigating complaints and making recommendations on the functioning of the public administration. The Special Rapporteur considers the Institution as an important entity and urged the Ombudsman to uphold genuine commitment to protecting human rights and to conduct impartial and independent investigations.

76. The Government of Turkey stated that violations of fundamental human rights, including the rights of women, children and detainees were given priority by the Institution and that the Ombudsman played an important function in ensuring the accountability and transparency of the administration. It highlighted that complaints received by the Institution related mainly to public administration, education and training, labour as well as social security. As of September 2014, the Ombudsman had reportedly examined over 6,097 of 11,580 complaints received in its first two years of operation.

77. The Special Rapporteur recommended that Turkey consider amending the Law on the Ombudsman Institution to enable it to examine violations committed in all instances by the Turkish Armed Forces (ibid., para. 129). The law has not yet been amended to include such violations.

## C. Role of other mechanisms

78. The Special Rapporteur recommended that Turkey consider ratifying the International Convention for the Protection of Persons from Enforced Disappearance and the Rome Statute of the International Criminal Court (ibid., paras. 130 and 131). Turkey has not yet ratified either of those international treaties. Turkey has reiterated its determination to ensure continued cooperation with the special procedures of the United Nations.[43]

[42] See CCPR/C/TUR/CO/1, para. 7; and A/HRC/WG.6/21/TUR/3, para. 14.

[43] State response, October 2014.

# VII. Conclusion

79. **Turkey continues to face various challenges in relation to the protection of the right to life. Actions by State and non-State actors continue to pose a threat to the lives of innocent civilians and public officials alike. Vulnerable groups remain particularly at risk. The lack of fully independent mechanisms for accountability and the great challenges experienced in the judicial system feed into the practice as well as the perception of impunity in the country.**

80. **Despite the challenges, a number of positive measures have already been put in place. The Action Plan for the Prevention of Violations of the European Convention on Human Rights is a welcome initiative and should be fully implemented. Measures taken to protect women from violence and unlawful killings are a welcome first step, but they need to be fully implemented in order to ensure effective protection, in practice. Protection of other vulnerable groups, such as lesbian, gay, bisexual and transgender persons, is seriously lacking, in law and in practice. Law reform must continue to bring domestic laws into full compliance with international human rights standards. The continued commitment of the Government of Turkey to work with regional and international bodies to strengthen the human rights situation in the country is welcomed.**

# Appendix

## Summary of follow-up to each recommendation[44]

### A. Violations of the right to life by State actors

1. **Turkey should amend article 17 of its Constitution to bring the formulation of the right to life in line with international standards, by providing that no one shall be arbitrarily deprived of his or her life or similar wording to that effect.**

This recommendation has not been implemented.

2. **The laws regulating the use of force by law enforcement officers (Law No. 2559 on the Duties and Powers of the Police; Law No. 2803 on the Organization, duties and Powers of the Gendarmerie, and related regulation) should be brought in line with international standards. Both proportionality and necessity are crucial components of these standards. The terms "necessity" and "proportionality" in these texts should reflect their interpretation under international law: lethal force may be made only as a last resort to protect life. Regulations on the stop warning procedure and on the proportionate use of less lethal weapons should be promulgated and conform to these standards.**

This recommendation has not been implemented.

3. **(Additional) Article 2 of Law No. 3713 to Fight Terrorism should likewise be amended to reflect the international interpretation of the term "proportionality" and should stipulate that lethal force shall only be used as a last resort where there is an imminent threat to life.**

This recommendation has not been implemented.

4. **Security officers should receive further training on the principles of necessity and proportionality, including on the appropriate use of methods other than lethal weapons.**

This recommendation has not been implemented.

5. **There can be no justification for human rights violations in the name of counter-terrorism measures. Operations to counter terrorism may resort to force only when it is necessary and proportionate, as defined under international human rights law. Civilian harm should be minimized and civilians never be targeted. Injury or killing of civilians should be subject to prompt and thorough investigation and, where appropriate, accountability.**

This recommendation has not been implemented.

6. **An effective, prompt, impartial and transparent criminal investigation into the Uludere/Roboski incident should be undertaken as a matter of great priority. The individuals responsible should be held liable and sanctioned accordingly. Responsibility should include those implicated in the chain of command, irrespective of their position.**

This recommendation has not been implemented.

[44] See A/HRC/23/47/Add.2, paras. 95–132.

7. **The Uludere Sub-Commission at the TGNA should release its overdue final reports without delay as well as ensure full transparency in its work and publish the content of all evidence used for its findings.**

This recommendation has been partially implemented.

8. **The Government should abolish the village guard system.**

This recommendation has not been implemented.

9. **All cases of suicide in the military or security services and deaths in custody should be reported promptly, as well as independently and publicly investigated to establish the actual cause of death. Families and lawyers should have full access to this information and to any other sources of evidence as well as the possibility for cross-check examinations.**

This recommendation has been partially implemented.

10. **The National Preventive Mechanism should be set up in line with Turkey's obligations under the Optional Protocol to the Convention against Torture.**

This recommendation has been implemented.

11. **It should be ensured that surveillance cameras are fully operational in all security and detention facilities, including at military custody sites, and their footage should be entirely and immediately available when it may provide evidence of abuse.**

Sufficient information has not been provided to enable assessment of progress.

12. **There should be an independent channel through which military conscripts can complain of abuse or ill-treatment and these cases should be investigated.**

This recommendation has been partially implemented.

## B. Right to life and non-State actors

13. **There can be no justification under any circumstances for acts of terrorism. All groups engaged in terrorism should cease such activity with immediate effect.**

Sufficient information has not been provided to enable assessment of progress.

14. **Article 82 (k) of the Penal Code should be understood to include honour killings under "custom". Uniform legal interpretation of the provisions of this article should be provided to ensure the highest penalty is always applied in cases of honour killings.**

This recommendation has not been implemented.

15. **Turkey should enact comprehensive and specific legislation on hate crimes in accordance with international standards, in particular, articles 19 and 20 of the International Covenant on Civil and Political Rights.**

This recommendation has partially been implemented.

16. **To reduce the vulnerable situation of LGBT individuals, Turkish legislation should be reviewed to include language sensitive to gender identity and sexual orientation.**

This recommendation has not been implemented.

17. **All complaints of violence and death threats should be promptly registered by the security officers, as well as fully and effectively investigated. Turkey should**

**develop a monitoring system on the registration and investigation of such complaints. Where there is sufficient evidence of violations, the professionals of the judiciary should be seized of the matter and should initiate criminal investigations and prosecutions, irrespective of the willingness or ability of the victim to lodge or maintain a complaint.**

This recommendation has been partially implemented.

18. **Turkey should prioritize improving the protection orders system. Protection orders should be issued promptly and enforced effectively. There should be a mechanism to regularly monitor their functioning.**

This recommendation has not been implemented.

19. **Security officers and the professionals of the judiciary should be investigated and held accountable systematically in cases of failure of due diligence and inaction with regard to the registration of complaints as well as the issuance and enforcement of protection orders.**

This recommendation has not been implemented.

20. **Awareness-raising campaigns as well as training of security officials and professionals of the judiciary should continue with regards to the rights of women and gender equality, and should be launched on the rights of LGBT individuals.**

This recommendation has not being implemented.

## C. Fight against impunity

21. **An independent body which enjoys wide public support and representation should be established to investigate political killings that are unaccounted for and to make recommendations regarding possible prosecution and other measures to promote transitional justice and a culture of accountability. The process of establishing such a body and determining its mandate should be open, transparent and inclusive. Allegations regarding mass graves and violations that occurred in the 1990s should be considered as falling within the remit of the institution.**

This recommendation has not been implemented.

22. **An independent and urgent forensic investigation into identified mass graves in south-east Turkey and other relevant parts of the country should be conducted in accordance with the Minnesota Protocol. Families should be thoroughly involved in this process and have access to victims' remains.**

Sufficient information has not been provided to enable assessment of progress.

23. **The statute of limitations should be removed for at least all violations of the right to life.**

This recommendation has not been implemented.

24. **Crime scene investigation procedure should be improved and monitored so that violations by State actors are investigated independently without the bias of colleagues or delay in official reporting.**

Sufficient information has not been provided to enable an assessment of progress.

25. **The Forensic Medicine Institute should be provided with institutional independence, as well as with an increased capacity to conduct forensic and autopsy procedures in a swift, effective, impartial and transparent manner. Parties to a legal**

**proceeding should be able to present alternative evidence reviews. The possibility of presenting forensic reports performed by institutions that are not Government-affiliated should be fully ensured and facilitated.**

This recommendation has been partially implemented.

26. **In cases of unlawful killing, the prosecutor should always bring charges for killing and never for a lesser crime.**

This recommendation has been partially implemented.

27. **"Unjust provocation" should not be misused as a mitigating factor in cases which involve alleged morality motives as a cause of killing, in particular in cases of honour killings and killings of LGBT individuals. "Good conduct" during legal proceedings should also not be used to reduce sentences in such cases.**

This recommendation has not been implemented.

28. **Positive developments introduced by the Third Judicial Reform Package should be implemented without delay to address the problem of lengthy judicial proceedings.**

Sufficient information has not been provided to enable assessment of progress.

29. **If it is indeed correct to say that law enforcement officials may be tried without administrative authorization, the Government should make this fact more widely known and prosecutors should immediately cease the practice of continuing to require such authorization.**

This recommendation has not been implemented.

30. **When a public official is the subject of investigation of a violation of the right to life, he or she should not be allowed to remain on active duty and should not receive promotion.**

This recommendation has been partially implemented.

31. **Care should be taken to ensure that the Law Enforcement Oversight Commission envisaged by the current draft law has organizational and not merely functional independence, including independence from the Government. A similar monitoring mechanism should be established to examine complaints regarding all acts of the Turkish Armed Forces, as well as military duties of the Gendarmerie.**

This recommendation has not been implemented.

32. **Steps should be taken to reverse and stop the trend of reprisals against those who lodge complaints. Investigation and accountability should be ensured for all cases of threats and coercion against witnesses, families, lawyers and non-governmental organizations. The practice of counter-charges should be ceased when it is used selectively against those who bring complaints.**

This recommendation has not been implemented.

33. **A stronger and effectively implemented protection programme should be prioritized to provide witnesses, victims and their families, and other parties that feel threatened with safe haven.**

This recommendation is being partially implemented.

## D. Role of human rights instruments

34. **The independence of the THRI should be fully ensured in law and in practice. The legal framework for the THRI should be reviewed to assess the level of its conformity with the Paris Principles, and be aligned thereto. Consideration should be given to the inclusion of a reference to the THRI in the Constitution.**

This recommendation has not been implemented.

35. **Turkey should consider amendments to the Law on the Ombudsman Institution to enable to examine violations committed in all instances by the Turkish Armed Forces.**

This recommendation has not been implemented.

36. **Turkey should consider ratifying the International Convention for the Protection of All Persons from Enforce Disappearances and the Rome Statute.**

This recommendation has not been implemented.

37. **Turkey should further engage with the United Nations human rights system. Turkey should envisage engaging with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.**

Sufficient information was not provided to enable assessment of progress.

38. **Turkey should also prioritize follow-up on the recommendations of the United Nations experts who visited the country, including implementation of the recommendations made by the Special Rapporteur on the independence of judges and lawyers, and earlier recommendations by the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on the promotion and protection of human rights while countering terrorism.**

Sufficient information was not provided to enable assessment of progress.

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Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

**Addendum**

## Observations on communications transmitted to Governments and replies received*

* Reproduced as received.

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# I. Introduction

1. The present report contains observations by the Special Rapporteur on extrajudicial, summary or arbitrary executions on communications sent between 1 March 2014 and 28 February 2015 and responses received from States and other actors between 1 May 2014 and 30 April 2015. During the period under review, the Special Rapporteur sent a total of 114 communications to 52 States and other actors. This includes 70 urgent appeals and 44 allegation letters. The main issues covered in the communications were attacks or killings (28), the death penalty (36), excessive use of force (14), death threats (22), deaths in custody (8), impunity (13), expulsion (2) armed conflict (8), concerns about legislative frameworks (4) and violent clashes (2). The numbers of the main issues do not accord with the total number of communications due to the fact that some communications addressed more than one issue.

2. The Special Rapporteur received responses to 36 communications sent within the reporting period. He thanks all Governments who have replied to his communications for their cooperation. 78 of the communications are yet to be responded to. In all instances where no responses were received, the Special Rapporteur urges Governments to provide substantive responses. In this period, the Special Rapporteur also received replies to 7 previous communications, i.e. sent prior to the reporting period.

3. In its resolution 26/12, the Human Rights Council urged States "[t]o cooperate with and assist the Special Rapporteur in the performance of his or her tasks, to supply all necessary information requested by him or her and to react appropriately and expeditiously l to his or her urgent appeals, and those Governments that have not yet responded to communications transmitted to them by the Special Rapporteur to do so without further delay". Therefore, the Special Rapporteur reiterates his appeal to all Governments to respond to communications in a timely manner so as to assist and cooperate with his mandate efficiently in accordance with Human Rights Council Resolution 26/12.

# II. Classification of communications and replies

4. For ease of reference, this report summarizes the correspondence regarding each communication. Communications have been grouped by country, with countries listed alphabetically according to their names in English. Each communication is referenced as urgent appeal (UA), allegation letter (AL), joint urgent appeal (JUA) and joint allegation letter (JAL). This is followed by the date when the communication was issued, as well as the case number and, when applicable, the State's reply. The electronic version of the present document has both of these items hyperlinked, and clicking on them will open the communication sent and the reply from the concerned State, respectively, as uploaded on the OHCHR website. Finally, in bold, is a summary of the allegations contained in the communication in the language of submission. All communications are also available in the Special Procedures communication reports.

## A. Violations alleged

5. In the table on communications and replies contained in section III, the violations are classified into the following categories, using the short versions in parentheses:

(a) Non-respect of international standards on safeguards and restrictions relating to the imposition of capital punishment ("Death penalty safeguards");

(b) Death threats and fear of imminent extrajudicial executions by State officials, paramilitary groups, or groups cooperating with or tolerated by the Government, as well as unidentified persons who may be linked to the categories mentioned above, when the Government is failing to take appropriate protection measures ("Death threats");

(c) Deaths in custody owing to torture, neglect, or the use of force, or fear of death in custody due to life-threatening conditions of detention ("Deaths in custody");

(d) Deaths due to the use of force by law enforcement officials or persons acting in direct or indirect compliance with the State, when the use of force is inconsistent with the criteria of absolute necessity and proportionality ("Excessive force");

(e) Deaths due to attacks or killings by security forces of the State, or by paramilitary groups, death squads, or other private forces cooperating with or tolerated by the State ("Attacks or killings");

(f) Violations of the right to life during armed conflict, especially of the civilian population and other non-combatants, contrary to international humanitarian law ("Armed conflict");

(g) Expulsion, refoulement, or return of persons to a country or a place where their lives are in danger ("Expulsion");

(h) Lack of investigation or accountability, leading to impunity, lack of compensation or concerns for the rights of victims ("Impunity").

(i) Concerns about a legislative framework ("Legislation").

## B. Character of replies received

6. The replies received have been classified according to the following six categories designed to assist the Human Rights Council in its task of evaluating the responses received to the communications sent within the reporting period and the effectiveness of the mandate:

(a) "No response" denotes the absence of a response to a communication sent within the reporting period;

(b) "Recent communication" denotes the absence of a response to a communication sent within the past 60 days;

(c) "Procedural response" refers to a reply acknowledging receipt that the communication was received and/or that it has been transmitted to the relevant State authorities;

(d) "Addresses some substantive issues" characterizes a reply that provided information on certain substantive issues raised in the communication;

(e) "Substantive response" denotes a reply that is responsive to the allegations and that substantively clarifies the facts. It does not, however, imply that the action taken necessarily complies with international human rights law.

(f) "Translation awaited" indicates that a response has been received, but has not yet been translated by the relevant services of the United Nations.

## C. Observations of the Special Rapporteur

7. In order to underscore the importance of the dialogue between the Special Rapporteur and States, this report contains brief comments by the Special Rapporteur on the extent to which he considers each reply to have responded adequately to the concerns arising under the mandate. An indication is also provided in instances in which additional information is required to respond effectively to the information received.

## III. Tabulation of communications and replies

| *Country* | *Type of communication** | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| Argentina | JUA | 20/02/2015 | 1 male (lawyer) | | Attacks or killings; Death threats |
| Australia | JAL | 27/03/2014 | Group concern | 26/05/2014<br>19/12/2014 | Excessive use of force |
| Azerbaijan | JUA | 11/04/2014 | 1 male (journalist) | | Death threats |
| Bahrain | JUA | 08/07/2014 | 1 male | 29/08/2014 | Death penalty safeguards |
| Brazil | JAL | 25/09/2014 | Group concern | | Excessive use of force |
| Brunei Darussalam | JAL | 25/09/2014 | Group concern (legislation) | 13/11/2014 | Death penalty safeguards; Legislation |
| Burkina Faso | JUA | 15/09/2014 | 1 male | | Death threats |
| Burundi | JUA | 02/10/2014 | Group of individuals | | Impunity |
| | JUA | 23/01/2015 | Group concern | | Attacks or killings; Death threats |
| Cameroon | JAL | 08/01/2015 | Group of individuals (legislation) | | Legislation |
| Colombia | JAL | 11/08/2014 | Group of individuals | 08/10/2014 | Attacks or killings |
| | JUA | 24/09/2014 | 87 human rights defenders | 23/10/2014 | Death threats |
| | JAL | 21/11/2014 | Group of individuals (human rights defenders) | 29/01/2015 | Death threats; Attacks or killings |
| | JUA | 12/12/2014 | Group of individuals | | Death threats; Attacks or killings |
| Congo (Republic of the) | JUA | 04/07/2014 | Group of individuals | | Armed conflict |
| Côte d'Ivoire | JUA | 11/03/2014 | Group of individuals (human rights defenders) | | Death threats; Attacks or killings |
| Cuba | JUA | 21/07/2014 | Group of individuals | | Attacks or killings; excessive use of force |
| Democratic Republic of the Congo | JAL | 14/10/2014 | Group of individuals | | Attacks or killings; Impunity |
| | JAL | 06/11/2014 | Group of individuals | | Armed conflict; Deaths in custody; Impunity |
| Egypt | JUA | 26/06/2014 | Group of individuals | 04/07/2014 | Death penalty safeguards |

* Type of Communication: UA: Urgent Appeal; JUA: Joint Urgent Appeal; AL: Letter of Allegation; JAL: Joint Letter of Allegation.

| *Country* | *Type of communication** | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| | JUA | 23/12/2014 | Group of individuals | | Death penalty safeguards |
| | JUA | 30/01/2015 | Group of individuals | | Excessive use of force |
| Ethiopia | JUA | 22/05/2014 | Group of individuals | | Excessive use of force |
| | JUA | 11/07/2014 | 1 male | 11/11/2014 | Death penalty safeguards |
| | JUA | 27/02/2015 | 1 male | | Death penalty safeguards |
| Guatemala | JAL | 22/12/2014 | Group of individuals | | Impunity |
| Haiti | JUA | 21/05/2014 | 1 male (human rights defender) | | Death threats |
| Honduras | JUA | 02/04/2014 | 1 female (human rights defender) and 1 minor | | Attacks or killings |
| | JUA | 16/04/2014 | 1 male (journalist) | | Attacks or killings |
| | JAL | 13/01/2015 | Group of individuals (lawyers) | | Attacks or killings; Death threats |
| India | JAL | 01/07/2014 | 2 females | | Attacks or killings |
| | JAL | 23/01/2015 | Group of individuals | | Impunity |
| Indonesia | JUA | 10/12/2014 | 5 persons | | Death penalty safeguards |
| | JUA | 16/01/2015 | 8 males | | Death penalty safeguards |
| Iran (Islamic | JUA | 31/03/2014 | 2 males | 21/08/2014 | Death penalty safeguards |
| Republic of) | JUA | 14/04/2014 | 1 female | | Death penalty safeguards |
| | JUA | 17/06/2014 | 4 males | | Death penalty safeguards |
| | JUA | 03/07/2014 | 1 female | 30/09/2014 | Death penalty safeguards |
| | JUA | 14/07/2014 | 33 males | | Death penalty safeguards |
| | JUA | 23/07/2014 | 1 male | | Death penalty safeguards |
| | JUA | 06/08/2014 | 1 male | 18/12/2014<br>22/01/2015 | Death penalty safeguards |
| | JUA | 02/10/2014 | 1 male | 09/02/2015 | Death penalty safeguards |
| | JUA | 07/10/2014 | 1 female | 13/02/2015 | Death penalty safeguards |
| | JUA | 14/10/2014 | 1 male | | Death penalty safeguards |
| | JUA | 02/12/2014 | 1 male | | Death penalty safeguards |
| | JUA | 12/02/2014 | 1 male | | Death penalty safeguards |
| Iraq | JUA | 24/07/2014 | Group concern | | Attacks or killings |
| | JAL | 06/08/2014 | Group of individuals | | Impunity |
| | JAL | 18/08/2014 | Group of individuals | 03/10/2014<br>11/11/2014<br>29/01/2015 | Armed conflict |
| Israel | JUA | 28/05/2014 | Group of individuals (human rights defenders) | | Death threats |
| | JAL | 20/08/2014 | Group of individuals | | Armed conflict |

| *Country* | *Type of communication** | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| | JAL | 21/08/2014 | Group of individuals (2 named) | 12/11/2014 | Excessive use of force |
| Libya | JAL | 10/07/2014 | 1 female (human rights defender) | | Attacks or killings |
| Malawi | JUA | 06/02/2015 | Group concern | | Attacks or killings; Impunity |
| Mauritania | JUA | 11/07/2014 | 1 female (human rights defender) | | Death threats |
| México | JAL | 24/03/2014 | 1 male | | Deaths in custody |
| | JAL | 23/05/2014 | Group of individuals | 25/08/2014 | Impunity |
| | AL | 04/08/2014 | 22 persons | 02/12/2014 | Excessive use of force |
| | JAL | 15/08/2014 | 1 male | 15/10/2014 | Deaths in custody |
| | JAL | 26/09/2014 | Group of individuals | 02/12/2014 | Excessive use of force |
| | JUA | 03/10/2014 | Group of individuals | 11/11/2014 | Excessive use of force |
| | JUA | 25/02/2015 | 1 male | | Death threats |
| Morocco | JAL | 13/11/2014 | 1 male (human rights defender) | 23/12/2014 | Deaths in custody |
| Myanmar | JAL | 06/11/2014 | 1 male (journalist) | 14/01/2015 | Deaths in custody |
| | JAL | 26/12/2014 | Group of individuals | | Excessive use of force |
| | JAL | 05/02/2015 | 2 females | | Attacks or killings; Impunity |
| Nepal | JAL | 20/06/2014 | Group of individuals | 02/09/2014 | Violent clashes |
| | JAL | 03/07/2014 | Group of individuals (legislation) | 12/12/2014 | Legislation |
| | AL | 16/09/2014 | 1 male | | Excessive use of force |
| Nicaragua | JAL | 16/12/2014 | 1 male | | Deaths in custody; Impunity |
| Nigeria | JAL | 28/03/2014 | Group concern | | Attacks or killings; Impunity |
| | JAL | 22/08/2014 | Group of individuals | | Armed conflict |
| | JUA | 29/12/2014 | Group of individuals | | Death penalty safeguards; Armed conflict |
| Other (African Union) | JUA | 08/07/2014 | Group of individuals | | Armed conflict |
| Pakistan | JUA | 03/04/2014 | 1 male (human rights defender) | 04/04/2014 | Death threats |
| | JUA | 16/04/2014 | 1 male | 16/04/2014 | Death penalty safeguards |
| | JAL | 22/05/2014 | 1 male | 26/05/2014 | Attacks or killings; Death threats |
| | JUA | 30/05/2014 | Group concern | 02/06/2014 | Attacks or killings |
| | JUA | 05/06/2014 | 1 female | | Attacks or killings |
| | JUA | 23/10/2014 | 2 males | | Attacks or killings |
| | JUA | 05/11/2014 | 1 female | | Death penalty safeguards |
| | JUA | 19/12/2014 | Group of individuals (lifting moratorium) | | Death penalty safeguards |
| Papua New | JAL | 27/03/2014 | Group of individuals | | Excessive use of force |

| *Country* | *Type of communication** | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| Guinea | JUA | 19/06/2014 | Group of individuals | | Death threats; Attacks or killings |
| Peru | JUA | 08/10/2014 | Group concern | | Death threats; Attacks or killings |
| Philippines | JUA | 04/03/2014 | 1 male (journalist) | | Death threats |
| | JUA | 31/03/2014 | Group of individuals | | Death threats; Attacks or killings |
| | JAL | 06/05/2014 | 1 male (human rights defender) and 1 female (lawyer) | | Attacks or killings; Death threats |
| | JAL | 27/11/2014 | Group of individuals | | Impunity |
| Rwanda | JUA | 02/10/2014 | Group of individuals | 16/10/2014 | Impunity |
| Saudi Arabia | JUA | 02/04/2014 | 1 female | | Death penalty safeguards |
| (Kingdom of) | JUA | 20/08/2014 | 1 male | 08/12/2014 | Death penalty safeguards |
| | JUA | 28/08/2014 | 1 male | | Death penalty safeguards |
| | JUA | 04/09/2014 | Group of individuals | | Death penalty safeguards |
| | JUA | 17/11/2014 | 1 male | 31/12/2015 | Death penalty safeguards |
| Sri Lanka | JUA | 26/06/2014 | Group concern | 02/10/2014 | Violent clashes |
| Sudan | JUA | 14/05/2014 | 1 female | | Death penalty safeguards |
| Syrian Arab Republic | JAL | 30/05/2014 | 1 male | | Deaths in custody |
| Thailand | JUA | 06/05/2014 | 1 female (human rights defender) | | Attacks or killings; Death threats |
| | JUA | 19/02/2015 | Group of individuals | | Attacks or killings; Death threats |
| Tunisia | JAL | 07/11/2014 | 2 males | 07/01/2015 | Deaths in custody |
| Ukraine | AL | 03/11/2014 | Group of individuals | | Armed conflict |
| United Kingdom of Great Britain and Northern Ireland | JUA | 20/10/2014 | 1 male (human rights defender) | 28/10/2015<br>06/11/2015 | Expulsion |
| | JUA | 02/12/2014 | 1 male (human rights defender) | | Expulsion |
| United Republic of Tanzania | JAL | 08/08/2014 | Group concern | | Attacks or killings |
| United States of America | JAL | 04/08/2014 | 1 male | | Death penalty safeguards |
| | JAL | 28/08/2014 | 1 male and group of individuals | | Excessive use of force |
| | JUA | 09/09/2014 | 1 male | | Death penalty safeguards |
| | JUA | 01/12/2014 | 1 male | 11/12/2014 | Death penalty safeguards |
| | JUA | 09/12/2014 | 1 male | | Death penalty safeguards |

| *Country* | *Type of communication** | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| | JUA | 23/01/2015 | 1 male | | Death penalty safeguards |
| Venezuela | JAL | 20/02/2015 | Group of individuals (legislation) | | Legislation |
| Viet Nam | JUA | 25/07/2014 | 1 male | 06/10/2014 | Death penalty safeguards |
| Yemen | JAL | 03/11/2014 | Group of individuals | | Excessive use of force |

**Sent outside the reporting period**

| *Country* | *Type of communication** | *Date* | *Subject(s) concerned* | *Reply* | *Violation(s) alleged* |
|---|---|---|---|---|---|
| Bolivia | JAL | 27/02/2014 | 1 female (human rights defender) | 23/06/2014 | Death threats |
| Egypt | JUA | 30/08/2013 | Group of individuals (journalists) | 04/10/2013 | Attacks or killings |
| | | | | 26/10/2013 | |
| | | | | 05/06/2014 | |
| India | JAL | 10/01/2014 | 1 male | 17/01/2014 | Deaths in custody |
| | | | | 31/07/2014 | |
| Iran (Islamic | JUA | 26/08/2013 | Group of individuals | 29/09/2014 | Death penalty safeguards |
| Republic of) | JUA | 15/11/2013 | 2 males | 20/05/2014 | Death penalty safeguards |
| | JUA | 28/02/2014 | 1 male and 1 female | 04/08/2014 | Death penalty safeguards |
| | | | | 29/09/2014 | |
| Saudi Arabia | JUA | 31/01/2014 | 1 male | 12/02/2014 | Death penalty safeguards |
| | | | | 26/01/2015 | |

* Type of Communication: UA: Urgent Appeal; JUA: Joint Urgent Appeal; AL: Letter of Allegation; JAL: Joint Letter of Allegation.

# IV. Tabulation of communications requesting stay of executions[1]

8. In its resolution 17/5, the Human Rights Council requested the Special Rapporteur in carrying out his mandate "[t]o continue to monitor the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto:". In this respect, the Special Rapporteur has included the following table on the status of individuals who were the subject of concern with regard to the application of the death penalty in the present report. He urges all concerned States to provide updated information on the status of the subjects of these urgent appeals.

[1] The Special Rapporteur is grateful to Human Rights Watch and the Abdorrahman Boroumand Foundation for sharing information on the status of indivuals

| *Country* | *Date appeal sent* | *Date response received* | *Name of individual* | *Charge alleged* | *Violation alleged* | *Status as far as could be established* |
|---|---|---|---|---|---|---|
| Bahrain | 08/07/2014 | 29/08/2014 | Mr. Maher Al-Khabbaz | Murder | Fair trial concerns | Remains at risk |
| Egypt | 26/06/2014 | 04/07/2014 | 220 individuals | Belonging to a banned group; Stealing firearms; Murder | Fair trial concerns | No named individuals |
| | 23/12/2014 | | 188 individuals | Charges related to attack on a police station | Fair trial concerns | No named individuals |
| Ethiopia | 11/07/2014 | 11/11/2014 | Mr. Ali Adorus | Membership of a terrorist group; Conspiracy to commit terrorist act | Fair trial concerns | Sentenced to jail term |
| | 27/02/2015 | | Mr. Andargachew Tsege | Membership of a political group | Not most serious crimes; Fair trial concerns | Remains at risk |
| Indonesia | 10/12/2014 | | 5 unnamed individuals | Drugs-offenses | Not most serious crimes | No named individuals |
| | 16/01/2015 | | Mr. Denis Namaona; Mr. Marco Archer Cardoso Moreira; Ms. Rani Andriani; Mr. Daniel Enemuo; Ms. Tran Thi Bich Hanh; Mr. Ang Kim Soei; Mr. Gunawan Santoso; Mr. Tan Joni; Mr. Agus Hadi; Mr. Pujo Lestari | 2 for murder; 7 for drugs-offenses | Not most serious crimes; Fair trial concerns | Ms Rani Andiani; Mr. Ang Kim Soei; Mr. Daniel Enemuo; Mr. Marco Archer Cardoso Moreira; Ms. Tran Thi Bich Hanh; and Mr. Denis Namaona were executed—17/01/2015. Others remain at risk. |
| Iran | 31/03/2014 | 21/08/2014 | Mr. Ali Chebeishat<br>Mr. Sayed Khaled Mousawi | Enmity against God (moharebeh) | Not most serious crimes; Fair trial concerns | Executed—12/06/2014 |
| | 14/04/2014<br>07/10/2014 | 13/02/2015 | Ms. Rayhaneh Jabbari | Murder | Fair trial concerns | Executed—25/10/2014 |
| | 17/06/2014 | | Mr. Hamed Ahmadi; Mr. Kamal Malaee; Mr. Jahangir Dehghani; | Enmity against God (moharebeh); Corruption on earth | Not most serious crimes; Fair trial concerns | Executed—04/03/2014 |

| *Country* | *Date appeal sent* | *Date response received* | *Name of individual* | *Charge alleged* | *Violation alleged* | *Status as far as could be established* |
|---|---|---|---|---|---|---|
| | | | Mr. Jamshed Dehghani | (ifsad filarz) | | |
| | 03/07/2014 | 30/09/2014 | Ms. Razieh Ebrahimi | Murder (qesas) | Juvenile at time of offense; Fair trial concerns | Remains at risk |
| | 14/07/2014 | | Mr. Hamed Ahmadi,<br>Mr. Shahram Ahmadi,<br>Mr. Alam Barmashti,<br>Mr. Jahangir Dehghani,<br>Mr. Jamshid Dehghani,<br>Mr. Seyed Shaho Ebrahimi,<br>Mr. Varia Ghaderifard,<br>Mr. Mohammad Gharibi,<br>Mr. Seyed Abdol Hadi Hosseini,<br>Mr. Farzad Honarjo,<br>Mr. MohammadKeyvan Karimi,<br>Mr. Taleb Maleki,<br>Mr. Kamal Molaee,<br>Mr. Pouria Mohammadi,<br>Mr. Keyvan Momenifard,<br>Mr. Sedigh Mohammadi,<br>Mr. Seyed Jamal Mousavi,<br>Mr. Teymour Naderizadeh,<br>Mr. Farshid Naseri,<br>Mr. Ahmad Nasiri,<br>Mr. Borzan Nasrollahzadeh,<br>Mr. Idris Nemati,<br>Mr. Omid Peyvand,<br>Mr. Bahman Rahimi,<br>Mr. Mokhtar Rahimi,<br>Mr. Mohammadyavar Rahimi,<br>Mr. Abdorahman Sangani,<br>Mr. Amjad Salehi,<br>Mr. Behrouz Shahnazari,<br>Mr. Arash Sharifi,<br>Mr. Kaveh Sharifi, | Various national security offenses, including 'spreading propaganda against the system', 'gathering and colluding against national security,' 'corruption on earth,' and 'enmity against God' | Not most serious crimes; Fair trial concerns | Mr. Hamed Ahmadi, Mr. Jahangir Dehghani, Mr. Jamshid Dehghani, Mr. Seyed Abdol Hadi Hosseini, Mr. Kamal Molaee, Mr. Sedigh Mohammadi, and Mr. Farshid Naseri were executed—04/03/2014.<br><br>Others remain at risk |

| *Country* | *Date appeal sent* | *Date response received* | *Name of individual* | *Charge alleged* | *Violation alleged* | *Status as far as could be established* |
|---|---|---|---|---|---|---|
| | | | Mr. Farzad Shahnazari, and Mr. Kaveh Veysi | | | |
| | 23/07/2014 | | Mr. Rasoul Holoumi | Murder | Juvenile at time of offense | Remains at risk |
| | 06/08/2014 | 18/12/2014<br>22/01/2015 | Mr. Arzhang Davoodi | Enmity against God (moharebeh) | Not most serious crimes | Remains at risk |
| | 02/10/2014 | 09/02/2015 | Mr. Seyyed Hossein Kazemeyni Boroujerdi | Enmity against God (moharebeh); Apostasy | Not most serious crimes | Has reported received death threats in prison |
| | 14/10/2014<br>12/02/2014 | | Mr. Saman Naseem | Enmity against God (moharebeh); Corruption on earth (ifsad filarz) | Juvenile at time of offense; Not most serious crimes; Fair trial concerns | No information received about the status of this individual |
| | 02/12/2014 | | Mr. Soheil Arabi | Insulting the Prophet of Islam (sabbo al-nabbi) | Not most serious crimes; Fair trial concerns | Remains at risk |
| Nigeria | 29/12/2014 | | 54 soldiers of the 111 Special Force | Conspiracy to commit mutiny | Fair trial concerns | No named individuals |
| Pakistan | 16/04/2014 | 16/04/2014 | Mr. Sawan Masih | Blasphemy (Section 295-C of the Pakistani Criminal Code) | Not most serious crimes | Remains at risk |
| | 05/11/2014 | | Ms. Asia Bibi | Blasphemy | Not most serious crimes | Remains at risk |
| Saudi Arabia (Kingdom of) | 02/04/2014 | | Ms. Satinah Binti Jumadi Ahmad | Murder | Fair trial concerns | Resentenced |
| | 20/08/2014 | 08/12/2014 | Mr. Hajras bin Saleh bin Muhammad al-Qurey | Drugs-offenses | Not most serious crimes | Executed—before 30/09/2014 |
| | 28/08/2014<br>17/11/2014 | 31/12/2015 | Sheikh Nimr Baqir Al-Nimr | Banditry (haraba); Igniting sectarian incitements; Aiding terrorists; Offending Gulf leaders and scholars; Waging war on God | Fair trial concerns; Not most serious crimes | Remains at risk |
| Sudan | 14/05/2014 | | Ms. Meriam Ibrahim | Adultery (article 146 | Not most serious | Released—23/06/2014 |

| Country | Date appeal sent | Date response received | Name of individual | Charge alleged | Violation alleged | Status as far as could be established |
|---|---|---|---|---|---|---|
| | | | | of the 1991 Criminal Act); Apostasy (article 126 of the 1991 Criminal Act) | crimes; Fair trial concerns | |
| United States of America | 09/09/2014 | | Mr. Earl Ringo | Murder | Fair trial concerns | Executed—10/09/2014 |
| | 01/12/2014 | | Mr. Scott Panetti | Murder | Fair trial concerns; Execution of a person with intellectual or psychosocial disability | Stayed |
| | 09/12/2014 | | Mr. Paul Goodwin | Murder | Execution of a person with intellectual or psychosocial disability | Executed—10/12/2014 |
| | 23/01/2015 | | Mr. Warren Hill | Murder | Execution of a person with intellectual or psychosocial disability | Executed—27/01/2015 |
| Viet Nam | 25/07/2014 | 06/10/2014 | Mr. *****[name redacted] | Drugs-offenses (Art. 194(4b) Criminal Procedure Code) | Not most serious crimes; Fair trial concerns; Execution of a person with intellectual or psychosocial disability | Executed—before 6/10/2014 |

**Sent outside the reporting period**

| Country | Date appeal sent | Date response received | Name of individual | Charge alleged | Violation alleged | Status as far as could be established |
|---|---|---|---|---|---|---|
| Iran | 26/08/2013 | 29/09/2014 | Mr. Hashem Sha'bani Amouri<br>Mr. Hadi Rashedi<br>Mr. Mohammad Ali Amouri<br>Mr. Sayed Jaber Alboshoka<br>Mr. Sayed Mokhtar Alboshoka | Enmity against God (moharebeh); Corruption on earth (ifsad filarz); acting against national security | Fair trial concerns | Mr. Hashem Sha'bani Amouri and Mr. Hadi Rashedi were executed—27/01/2014. Others remain at risk. |

| *Country* | *Date appeal sent* | *Date response received* | *Name of individual* | *Charge alleged* | *Violation alleged* | *Status as far as could be established* |
|---|---|---|---|---|---|---|
| | 15/11/2013 | 20/05/2014 | Mr. Zaniar Moradi<br>Mr. Loghman Moradi | Murder | Fair trial concerns | Remain at risk |
| | 28/02/2014 | 04/08/2014<br>29/09/2014 | Mr. Rouhollah Tavani<br>Ms. Farzaneh Moradi | Insult to the Prophet (sabb al-nabi) and murder | Fair trial concerns | Mr Rouhollah Tavani remains at risk<br>Ms Farzaneh Moradi was executed—04/03/2014 |
| Saudi Arabia (Kingdom of) | 31/01/2014 | 12/02/2014<br>26/01/2015 | Mr. Raef Badawi | Apostasy | Not most serious crimes; Fair trial concerns | Having been sentenced to a custodial and corporal punishment, Mr Badawi may now face a retrial at which a capital sentence could be imposed. |

# V. Summary of cases transmitted and replies received to communication sent within the reporting period

## Argentina

JUA 19/02/2015 Case No. ARG 1/2015. Respuesta: 30/04/2015 11/05/2015 **Alegaciones relativas a interferencias en torno a la investigación de la muerte de un fiscal; a intentos de cercenamiento del ejercicio de los derechos a la libertad de expresión y de reunión pacifica de fiscales y jueces; y a amenazas de muerte y represalias en contra de un Juez**

**Carácter de la respuesta: substantiva**

9. El Relator Especial agradece al Gobierno Argentino por la respuesta recibida a la comunicación arriba mencionada. El Relator Especial toma nota de la información detallada y actualizada allí proporcionada respecto del estado actual de la investigación sobre la muerte del Fiscal General Federal Natalio Alberto Nisman, incluida la querella promovida por la ex esposa del Fiscal Nisman; del estado actual de las investigaciones por el atentado contra la sede de la AMIA y de las demás causas que guardan relación con ese hecho; así como del estado de la denuncia formulada por el Dr. Alberto Nisman contra la Sra. Presidenta de la Nación y el Sr. Ministro de Relaciones Exteriores y Culto. El Relator Especial también toma nota de la información recibida con relación a la marcha del "18 F" organizada por fiscales y otros operadores de la justicia. En lo que se refiere al caso del Doctor Bonadío, el Relator Especial toma nota de la información proporcionada respecto del estado de la denuncia formulada por el Juez Bonadío con motivo de las presuntas amenazas de muerte y represalias recibidas; de las medidas de protección adoptadas a fin de garantizar la seguridad del grupo familiar del Juez , así como de las medidas macro adoptadas por el Gobierno Argentino para garantizar la seguridad personal de todos los operadores de justica y sus familiares. El Relator Especial agradecería ser mantenido al corriente de toda nueva información respecto del estado de las investigaciones mencionadas, así como de la situación de seguridad del juez Bonadío y su grupo familiar. En este sentido, el Relator Especial espera que las investigaciones referidas se completen de forma exhaustiva, inmediata e imparcial.

## Australia

JAL 27/03/2014 Case No. AUS 1/2014 State reply 26/05/2014, 19/12/2014. **Allegations concerning the indefinite detention of asylum seekers, the detention of children, the detention conditions and the violent response to protests against these conditions.**

**Character of reply: addresses some substantive issues**

10. The Special Rapporteur thanks the Government of Australia for its response. He further appreciates the information provided on the review by Mr Cornall AO into the events of 16 and 18 February 2014. However, he would have appreciated more detailed information on the progress of the investigations about the violent response to protests against these conditions. The Special Rapporteur deplores the death of Mr Reza Barati and of three other migrants, as well as the injuries committed by the security forces to some migrants. The Special Rapporteur invites the government to provide updated information to this question and encourages the authorities to take all necessary measures to guarantee the safety of the detainees into Manu Islands and Papua New Guinea detention camps.

## Azerbaijan

JUA 11/04/2014 Case. No AZE 1/2014 **Alleged death threats against a human rights journalist.**

**Character of reply: no response**

11. The Special Rapporteur regrets the lack of reply to this communication and encourages the Government of Azerbaijan to respond substantively.

## Bahrain

JUA 08/07/2014 Case No. BHR 8/2014 State reply: 29/08/2014 **Allegations of arbitrary detention and torture of a Bahraini national and imposition of the death sentence based on a confession reportedly obtained by means of torture.**

**Character of reply: addresses some substantive issues**

12. The Special Rapporteur thanks the Government of Bahrain for its response, and takes notes of the Government's comments on the facts of the case. The Special Rapporteur regrets that the Government of Bahrain did not respond to the accuracy of the allegations in respect of the violation of fair trial safeguards. Although the Government indicated that Mr. Al-Khabbaz made no claims about being tortured when he was at the Office of the Public Prosecutor nor did he file any such claim with the special unit that examines claims of torture or of cruel, inhuman or degrading treatment, it did not provide details of any investigation carried out in relation to the allegations that Mr. Al-Khabbaz was tortured during interrogation. The Special Rapporteur urges the Government to provide updated information on the status of the individual sentenced to death. He would like to remind the Government that capital punishment may only be imposed following trials that scrupulously respect the guarantees of due process and fair trial. The Special Rapporteur shares the concerns stated in the observations report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/HRC/28/68, para. 56), and also urges the Government of Bahrain to refrain from executing him.

## Bolivia

JAL 27/02/2014 Caso No. BOL 2/2014 Respuesta: 23/06/2014 Presuntos actos intimidatorios, vigilancia y amenazas, incluyendo amenazas de muerte, contra defensores de derechos humanos.

**Carácter de la respuesta: aborda algunas cuestiones de fondo**

13. El Relator Especial agradece al Gobierno de Bolivia la respuesta recibida a la comunicación arriba mencionada y toma nota de la información proporcionada respecto del inicio de investigaciones por las amenazas contra la Sra. Emma Bolshia Bravo Caldera, así como de la solicitud de evaluación de riesgos e identificación de necesidades de protección en favor de la misma y de los motivos de la demora en el proceso de evaluación. Sin embargo, el Relator Especial lamenta no haber recibido información específica respecto de la evolución y el estado de las investigaciones judiciales por amenazas contra la Sra. Bravo Caldera y otros trabajadores del ITE, incluida la identificación, procesamiento y sanción de los presuntos responsables, y queda a la espera de dicha información. El Relator Especial llama la atención del Gobierno sobre la necesidad de que se lleven a cabo las

investigaciones y se adopten las medidas necesarias, de manera urgente, a fin de garantizar la protección efectiva de la Sra. Emma Bolshia Bravo Caldera y los trabajadores del ITEI. El Relator Especial agradece y toma nota de la información proporcionada sobre las medidas macro adoptadas para garantizar la labor de los defensores de derechos humanos, líderes sociales y comunales en Bolivia. El Relator Especial queda a la espera de información actualizada sobre el caso mencionado.

## Brazil

JAL 25/09/2014 Case No. BRA 6/2014 **Allegations of summary executions and acts of violence against women by Brazilian security forces.**

**Character of reply: no response**

14. The Special Rapporteur regrets the lack of reply to this communication and encourages the Government of Brazil to respond substantively.

## Brunei Darussalam

JAL 25/09/2014 Case No. BRN 1/2014 State reply: 13/11/2014, 11/03/2015 **Allegations concerning the non-compliance with international human rights standards of the Shariah Penal Code Orde., 2013 (SPC), enacted in Brunei Darussalam.**

**Character of reply: addresses some substantive issues**

15. The Special Rapporteur thanks the Government of Brunei Darussalam for its response. The Government mentioned its intention to sign the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The reply also indicates that the basic rights of the accused persons will be guaranteed and entre[illegible]hed at all stages of criminal proceeding. The Special Rapporteur would like to receive additional information on how the Syariah (sharia) Penal Code Order complies with international norms and standards, and in particular in relation to the provisions related to the right to life.

## Burkina Faso

JUA 15/09/2014 Cas No. BFA 1/2014 **Allégations de menaces de mort à l'encontre d'un journaliste et allégations d'entrée par effraction et vol de matériel professionnel dans les bureaux d'un journal au Burkina Faso.**

**Caractère de la réponse: pas de réponse**

16. Le Rapporteur Spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport.

## Burundi

(a) JUA 02/10/2014 Cas No. BDI 2/2014 **Allégations d'exécutions sommaires ou extra-judiciaires**

**Caractère de la réponse: pas de réponse**

(b) JUA 23/01/2015 Cas. No BDI 1/2015 **Allégations d'exécutions arbitraires et de menaces de mort contre des personnes atteintes d'albinisme.**

**Caractère de la réponse: pas de réponse**

*Observations générales*

17. Le Rapporteur spécial regrette l'absence de réponse aux communications envoyées au cours de la période couverte par le présent rapport.

## Cameroun

JAL 08/01/2015 Cas No. CMR 2/2014 **Allégations concernant les risques de violations du droit à la liberté et à la sécurité de sa personne, du droit à la liberté d'expression, à la liberté de réunion pacifique et du droit à un procès équitable.**

**Caractère de la réponse: pas de réponse**

18. Le Rapporteur spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport.

## Colombia

(a) JAL 11/08/2014 Caso No. COL 6/2014 Respuesta: 08/10/2014, 14/04/2015 y 30/04/2014 **Presuntos asesinatos, ataques y actos de intimidación contra defensores de derechos laborales en Colombia.**

**Carácter de la respuesta: sustantiva**

19. El Relator Especial agradece al Gobierno de Colombia la respuesta recibida y toma nota de la información proporcionada respecto de las diversas acciones implementadas a fin de proteger al Sr. Luis Playa Vélez, el Sr. José Ernesto Reyes y a los integrantes de la organización sindical SINTRAEMCALI; así como de la información proporcionada respecto de la situación de la Sra. Berenice Celeyta. El Relator Especial también toma nota del inicio de investigaciones en el fuero penal militar sobre el asesinato de los cuatro integrantes de FUNDAPROGRESO y el traslado al fuero penal civil, sin embargo lamenta no haber recibido información respecto del avance de las mismas. El Relator Especial desea recordar en tal sentido que las violaciones a los derechos humanos cometidos por personal militar en contra de personas civiles son competencia de la jurisdicción civil. El Relator Especial toma nota de la información contenida en la respuesta de fecha 30/4/2015 respecto de las actuaciones judiciales de las Fiscalías Especializadas 2 y 38, sin embargo lamenta que la nota mencione el número de los oficios radicados en las fiscalías pero no proporcione datos respecto de los casos allí tratados o las personas afectadas. El Relator Especial queda a la espera de recibir dicha aclaración. El Relator Especial agradecería recibir información actualizada y complementaria sobre el estado actual de las actuaciones judiciales respecto de los asesinatos, amenazas y actos de intimidación contra los miembros de organizaciones de trabajadores mencionados en la comunicación. El Relator Especial espera que tales actuaciones se completen de forma exhaustiva, inmediata e imparcial, y que los presuntos responsables sean juzgados y sancionados.

(b) JUA 24/09/2014 Caso No. COL 8/2014 Respuesta: 23/10/2014 **Alegación sobre amenazas de muerte contra 87 defensores y defensoras de los derechos humanos en Colombia**

**Carácter de la respuesta: sustantiva**

20. El Relator Especial agradece al Gobierno de Colombia la respuesta recibida a la comunicación arriba mencionada y toma nota del estado de las investigaciones para esclarecer las alegaciones de amenazas de muerte sobre 91 activistas y de las medidas preliminares de protección adoptadas por la UNP. En este sentido, el Relator Especial toma nota de la asesoría y asistencia técnica que el Ministerio del Interior pone a disposición de las víctimas. Sin embargo, no ha recibido información actualizada sobre el estado de las investigaciones y la situación de las personas en riesgo. El Relator Especial queda a las espera de información adicional por parte del Gobierno respecto de las investigaciones judiciales y las medidas de protección adoptadas para garantizar la seguridad de las personas amenazadas.

(c) JAL 21/11/2014 Caso No. COL 7/2014 Respuesta: 29/01/2015 **Alegaciones de acoso, rastreo, intimidación y asesinatos de defensores de los derechos humanos ambientales del Movimiento Ríos Vivos (MRV), un movimiento de defensa de los territorios y las comunidades afectadas por la construcción de represas y proyectos mineros en Colombia.**

**Carácter de la respuesta: aborda algunas cuestiones de fondo**

21. El Relator Especial agradece al Gobierno de Colombia la respuesta recibida a la comunicación arriba mencionada y toma nota de los primeros pasos adoptados por la Unidad Nacional de Protección (UNP) a fin de establecer la situación de riesgo de los miembros del Movimiento Ríos Vivos y las medidas de protección recomendadas, y en algunos casos adoptadas, por el Comité de Evaluación de Riesgo y Recomendación de Medidas -CERREM- con relación a algunos de los miembros del Movimiento. También toma nota que la UNP remitió a la Fiscalía General de la Nación la información sobre los presuntos hechos de amenazas de las cuales fueron víctimas los miembros del movimiento. Sin embargo, no ha recibido información actualizada sobre el estado de las investigaciones y la situación de las personas en riesgo. El Relator Especial queda a las espera de información adicional por parte del Gobierno en referencia a este caso.

(d) JUA 12/12/2014 Case No. COL 11/2014 Respuesta: 21/01/2015 **Alegaciones de supuestos asesinatos, amenazas y agresiones contra miembros del Sindicato SINALTRAINAL en Colombia.**

**Carácter de la respuesta: sustantiva**

22. El Relator Especial agradece al Gobierno de Colombia la respuesta recibida a la comunicación arriba mencionada y toma nota de las medidas de protección y el estado de las investigaciones iniciadas con relación a los ataques y amenazas sufridas por algunos de los miembros del grupo sindical SINALTRAINAL mencionados en la comunicación. Sin embargo, lamenta no haber recibido información sobre el estado de las investigaciones y medidas de protección adoptadas para garantizar la seguridad de muchos otros de los sindicalistas allí mencionados. De igual manera, lamenta no haber recibido información respecto de si se han iniciado investigaciones judiciales por la muerte de dos sindicalistas, y el familiar de uno de ellos, mencionados en la comunicación. El Relator Especial agradece la información proporcionada respecto de los programas puestos en marcha por el Gobierno de Colombia para garantizar el ejercicio de los defensores y defensoras de derechos humanos. El Relator Especial queda a las espera de información adicional por parte del Gobierno en referencia a este caso.

*Observaciones generales:*

23. El Relator Especial agradece las respuestas recibidas durante el periodo del presente informe. El Relator Especial se muestra especialmente preocupado por la persistente situación de inseguridad en la que operan muchos de los defensores y defensoras, sindicalistas y activistas sociales en Colombia y por el alto grado de impunidad que impera respecto de las ejecuciones extrajudiciales y amenazas de muerte contra los mismos. En este sentido, el Relator quisiera instar al Gobierno de Colombia a que adopte medidas eficaces para proteger sin discriminación alguna a todo individuo amenazado de muerte, así como a llevar a cabo investigaciones independientes sobre los casos de presuntas ejecuciones extrajudiciales y amenazas de muerte.

## Côte d'Ivoire

JUA 11/03/2014 Case No. CIV 1/2014 **Allégations d'attaques physiques et menaces de mort contre le personnel d'une organisation non gouvernementale**.

**Caractère de la réponse: pas de réponse**

24. Le Rapporteur spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport.

## Cuba

JUA 21/07/2014 Case No. CUB 2/2014 **Presuntos ataques, detenciones arbitrarias y actos de represalia contra defensores y defensoras de derechos humanos en Cuba.**

**Carácter de la respuesta: sin respuesta**

25. El Relator Especial lamenta que el Gobierno no haya respondido a esta comunicación.

## Democratic Republic of the Congo

JUA 04/07/2014 Cas No. COG 1/2014 **Allégations de disparitions forcées en République centrafricaine.**

**Caractère de la réponse: pas de réponse**

JAL 14/10/2014 Cas No. COD 1/2014 **Allégations d'enlèvement et d'exécution sommaire.**

**Caractère de la réponse: pas de réponse**

JAL 06/11/2014 Cas No. COD 2/2014 **Allégations de violation du droit à la vie et à la santé**.

**Caractère de la réponse: pas de réponse**

*Observations générales:*

26. Le Rapporteur Spécial regrette l'absence de réponse aux communications envoyées au cours de la période couverte par le présent rapport.

## Egypt

(a) JUA 26/06/2014 Case No. EGY 9/2014 State reply: 04/07/2014 **Allegations concerning the confirmation of death sentences against 220 individuals in Egypt, following unfair and politically motivated trials.**

**Character of reply: substantive**

27. The Special Rapporteur is grateful to the Government of Egypt for the detailed response to this communication. He appreciates the information provided on the Egyptian domestic legislation regarding the guarantees surrounding the application of death penalty. Moreover, the Rapporteur takes note of the information provided by the Government that 37 individuals were sentenced to death by a criminal court in Minya, Egypt, and that these sentences were immediately appealed before the Court of Cassation by the Public Prosecutor. In this regard, he would appreciate receiving further information on each stage of the judicial proceedings against the individuals sentenced to death and indicate how they comply with the guarantees of fair trial. The Special would like to recall to the Government of Egypt that death penalty safeguards must be fully respected in all capital punishment cases.

(b) JUA 23/12/2014 Case No. EGY 14/2014 State reply: 27/01/2015; 03/02/2015 **Allegations of violation of the rights to life and security of person, freedom of expression, and freedom of association of 188 persons, as well as allegations of torture of two of them.**

**Character of the reply of 27/01/2015: substantive**

**Character of the reply of 03/02/2015: translation awaited**

28. The Special Rapporteur thanks the Government of Egypt for its responses to this communication. While awaiting the translation of the reply dated 27 January 2015, the Government indicated that the State Prosecution Office decided to exclude 145 suspects from the list of those to be referred for trial; of those 98 were released because insufficient evidence. The Government also indicated that a total of 188 suspects were charged and referred for trial. He looks forward to receiving the translated text of the reply dated 27 January 2015 so as to identify whether it contains information related to the judicial proceedings against the individuals charged, and in particular in relation to the guarantees related to right to fair trial and due process.

(c) JUA 30/01/2015 Case No. EGY 2/2015 **Allegations of excessive use of force by law enforcement officials leading to the death of female political activist in a peaceful protest on 24 January 2015, as well as the deaths of at least 23 other individuals in clashes between protestors and law enforcement officials in other demonstrations on 25 January.**

**Character of reply: no response**

*General observations:*

29. The Special Rapporteur thanks the Government of Egypt for its response to the communication sent on 26 June 2014, while inviting the authorities to provide substantive replies to the other communications sent during the reporting period. The Special Rapporteur reiterates his concerns expressed regarding the imposition of the death penalty following mass trials that contradict international standards concerning fair trial and due process.

## Ethiopia

(a) JUA 22/05/2014 Case No. ETH 5/2014 **Allegations of excessive and indiscriminate use of force against peaceful protestors, including women and children, in the regional state of Oromia.**

**Character of reply: no response**

(b) JUA 11/07/2014 Case No. ETH 6/2014 State reply 11/11/2014 **Alleged arbitrary detention, inhumane treatment, denial of urgent medical treatment and infringement of due process and fair trial guarantees.**

**Character of reply: substantive**

30. The Special Rapporteur is grateful to the Government of Ethiopia for the detailed response to this communication. In its response, the Government provided information regarding the charges brought against Mr. Adorus, his trial and prison conditions. The Rapporteur takes note of the information provided by the Government indicating that Mr. Adorus' case is up for decision. He reiterates that Governments shall ensure that fair trial safeguards are strictly observed at all times in particular in death penalty cases, and refers in this regard to article 6(2), article 14(1) of the International Covenant on Civil and Political Rights as well as the Human Committee General Comment No. 32 (CCPR/C/GC/32, para. 6).

(c) JUA 27/02/2015 Case No. ETH 1/2015 **Allegations of arbitrary arrest, forced transfer, incommunicado detention and solitary confinement, torture and cruel, inhuman and degrading treatment of a British human rights defender by Ethiopian authorities.**

**Character of reply: no response**

*General observations:*

31. The Special Rapporteur is grateful to the Government of Ethiopia for its reply to the communication dated 11 July 2014. However, the Special Rapporteur regrets that the Government has to date not provided a response to the communications dated 22 May 2014 and 27 February 2015 and encourages the Government to provide a response. He urges the Government to take all necessary measures to ensure that a prompt, impartial thorough investigation is carried out to shed light on the circumstances on each killing, to identify the perpetrators and bring them to justice.

## Haïti

JUA 21/05/2014 Case No. HTI 1/2014 **Allégations des menaces de mort perpétrées à l'encontre d'un défenseur des droits de l'homme.**

**Caractère de la réponse: pas de réponse**

32. Le Rapporteur spécial regrette l'absence de réponse aux communications envoyées au cours de la période couverte par le présent rapport.

## Honduras

(a) JUA 02/04/2014 Caso No. HND 2/2014 **Presunto atentado contra la vida de la Sra. María Santos Domínguez y ataque contra su hijo de 12 años de edad.**

**Carácter de la respuesta: sin respuesta**

33. El Relator Especial lamenta que el Gobierno no haya respondido a esta comunicación.

(b) JAL 16/04/2014 Caso No. HND 4/2014 **Alegaciones relativas al asesinato de un comunicador social y colaborador de Radio Progreso en Honduras.**

**Carácter de la respuesta: sin respuesta**

34. El Relator Especial lamenta que el Gobierno no haya respondido a esta comunicación.

(c) JAL 13/01/2015 Caso No. HND 11/2014 Respuesta: 27/03/2015 **Alegaciones de amenazas y represalias en contra de operadores de justicia por los asesinatos de dos fiscales y de una defensora pública**

**Carácter de la respuesta: sustantiva**

35. El Relator Especial agradece al Gobierno de Honduras la respuesta recibida a la comunicación arriba mencionada y toma nota del estado de las investigaciones iniciadas con relación a los asesinatos aludidos en la comunicación, así como de las medidas legislativas adoptadas para la protección de los operadores de justicia en el país, inclusive las que se encuentran en vías de aprobación. Sin embargo, el Relator Especial lamenta no haber recibido información respecto de las medidas adoptadas para proteger a los familiares de las fiscales y de la defensora pública asesinadas, quienes alegan haber recibido amenazas en relación con estos casos. El Relator Especial queda a la espera de información actualizada respecto de las investigaciones judiciales y las medidas de protección en marcha.

*Observaciones generales*

36. El Relator Especial agradece la respuesta recibida durante el periodo del presente informe. Sin embargo, lamenta que, al momento de finalizar este informe, no se ha recibido respuesta a varias de las comunicaciones enviadas. En este sentido, el Relator Especial alienta al Gobierno a responder a todas sus cartas de manera oportuna. El Relator Especial se muestra especialmente preocupado por el alto grado de impunidad que impera respecto a las ejecuciones extrajudiciales y amenazas de muerte de los defensores y defensoras de derechos humanos, operadores de justicia, periodistas y activistas indígenas e insta al Gobierno a que tome las medidas necesarias para que lleve a cabo investigaciones independientes sobre las presuntas alegaciones, que los culpables respondan ante la justicia y que las víctimas obtengan reparación adecuada.

## India

(a) JAL 01/07/2014 Case No. IND 4/2014 **Alleged abduction, gang-rape, and murder of two teenage girls and failure of the authorities to effectively respond after their abductions were reported.**

**Character of reply: no response**

(b) JAL 23/01/2015 Case No. IND 1/2015 **Allegations of continuing construction work on the site of a newly discovered mass grave and the effects that this may have on an effective criminal and forensic investigation, and the right to truth and justice.**

**Character of reply: no response**

*General observations:*

37. The Special Rapporteur regrets that the Government of India has responded to none of the communications sent during the reporting period.

## Indonesia

(a) JUA 10/12/2014 Case No. IDN 6/2014 **Alleged imminent execution of five prisoners on death row in Indonesia, including three prisoners convicted of drug-related crimes.**

**Character of reply: no response**

(b) JUA 16/01/2015 Case No. IDN 1/2015 **Alleged imminent execution of nine prisoners on death row in Indonesia, including seven convicted of drug-related crimes, and two cases in which the death penalty has been upheld following judicial procedures that may not fulfil the most stringent guarantees of fair trial and due process.**

**Character of reply: no response**

*General observations:*

38. The Special Rapporteur regrets that the Government of Indonesia has responded to none of the communications sent during the reporting period.

## Iran (Islamic Republic of)

(a) JUA 31/03/2014 Case No. IRN 5/2014 State reply 21/08/2014 **Alleged risk of imminent executions in contravention of international standards.**

**Character of reply: addresses some substantive issues**

39. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its response to this communication. In its response, the Government indicated that Mr. Ali Chibshat and Mr. Seyyed Khaled Mousavi were arrested on charge of conducting terrorist acts. According to the information provided by the Government, their file was considered in a Court in the city of Ahvaz and the verdict was appealed. The appeal Court reconsidered the case and reaffirmed the verdict. In interpreting article 6(2) of the International Covenant on Civil and Political Rights, the United Nations Human Rights Committee has consistently rejected the imposition of a death sentence for offences that do not result in the loss of life, finding that only cases involving murder meet the threshold of the most serious crimes provision. The Special Rapporteur urges the Iranian authorities to bring its domestic legislation into conformity with the most serious crimes provision under international law, and refrain from any further death sentence or execution in violation of these standards.

(b) JUA 14/04/2014 Case No. IRN 6/2014 **Alleged risk of imminent execution in violation of international human rights law**.

**Character of reply: no response**

(c) JUA 17/06/2014 Case No. IRN 10/2014 **Alleged imminent execution of four Kurdish men sentenced to death on charges of Moharebeh (enmity against God) and Ifsad filarz (corruption on earth).**

**Character of reply: no response**

(d) JUA 03/07/2014 Case No. IRN 11/2014 State reply: 30/09/2014 **Alleged risk of imminent execution of a young woman, after being sentenced to death under "qesas" ("retribution-in-kind") for killing her husband in 2010.**

**Character of reply: address some substantive issues**

40. The Special Rapporteur thanks the Government for its response, in which it is indicated that the case was under reconsideration and the final verdict had to be issued. Therefore, he would like to urge the Government of the Islamic Republic of Iran not to execute Ms. Razieh Ebrahimi.

(e) JUA 14/07/2014 IRN 13/2014 **Alleged arbitrary detention and infringement of due process and fair trial guarantees of 33 Kurdish men; and allegations of inhumane treatment and denial of urgent medical treatment in detention.**

**Character of reply: no response**

(f) JUA 23/07/2014 Case No. IRN 15/2014 **Alleged risk of imminent execution of a juvenile offender in the Islamic Republic of Iran.**

**Character of reply: no response**

(g) JUA 06/08/2014 Case No. IRN 16/2014 State reply: 18/12/2014, 22/01/2015 **Alleged arbitrary detention, ill-treatment, violation of fair trial and due process guarantees and capital sentence for an offense that does not meet the threshold of the most serious crimes**.

**Character of reply: address some substantive issues**

41. The Special Rapporteur is grateful to the Government of the Islamic Republic of Iran for its responses concerning Mr. Arzhang Davoodi and Mrs. Yeganeh Salehi. He is following closely further developments on the cases mentioned in the communication. Therefore, the Special Rapporteur would appreciate receiving information on the proceedings against Mr. Arzhang Davoodi and Mr. Jason Reyaian, as well as additional details on the case of Mrs. Yeganeh Salehi, who according to the information provided by the Government was released on bail on 1 October 2014. The Special Rapporteur regrets that the Government did not provide information on the allegations regarding the detention of the other two journalists on the evening of 22 July 2014. He urges authorities in the Islamic Republic of Iran that all proceedings fully comply with international law standards.

(h) JUA 02/10/2014 Case No. IRN 19/2014 State reply: 09/02/2015 **Alleged imminent execution of an Iranian national**.

**Character of reply: address some substantive issues**

42. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply, and takes notes of the Government's information concerning the location and physical condition of Mr. Boroujerdi. At the same time, he expresses concern about continuing reports of judicial proceedings which do not comply with international law.

(i) JUA 07/10/2014 Case No. IRN 21/2014 State reply: 13/02/2015 **Alleged risk of imminent execution of a woman after a trial that did not meet fair trial and due process guarantees.**

**Character of reply: address some substantive issues**

43. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its reply, and takes notes of the information provided. He regrets, however, the Government's confirmation that Ms. Jabbari was executed.

(j) JUA 14/10/2014 Case No. IRN 23/2014 **Alleged risk of execution of a juvenile offender in the Islamic Republic of Iran.**

**Character of reply: no response**

(k) JUA 02/12/2014 Case No. IRN 29/2014 **Alleged imposition of the death penalty and risk of execution of a photographer on charges of "insulting the Prophet of Islam".**

**Character of reply: no response**

(l) JUA 12/02/2015 Case No. IRN 3/2015 **Alleged imminent risk of execution of a juvenile offender in the Islamic Republic of Iran.**

**Character of reply: no response**

*General observations*

44. The Special Rapporteur regrets that the Government of the Islamic Republic of Iran has not responded to seven communications sent during the reporting period. In the absence of a response and clarification on the cases addressed therein and given the irreversible nature of capital punishment, the Special Rapporteur urges the Government to take all necessary measures to prevent the execution of the subjects of these communications.

## Iraq

(a) JUA 24/07/2014 Case No. IRQ 4/2014 **Reported violence and forced displacement of ethnic and minority groups in northern Iraq.**

**Character of reply: no response**

(b) JAL 06/08/2014 Case No. IRQ 3/2014 **Allegations concerning the lack or insufficiency of investigations carried out into the 1 September 2013 attack on Camp New Iraq, and previous attacks on Camp New Iraq, and later Camp Liberty.**

**Character of reply: no response**

(c) JAL 18/08/2014 Case No. IRQ 5/2014 State reply: 03/10/2014, 11/11/2014, 29/01/2015 **Allegations of mass summary executions committed by the Islamic State (IS) and other armed groups, and Iraqi Security Forces (ISF) between June and July 2014.**

**Character of reply: substantive**

45. The Special Rapporteur thanks the Government of the Islamic Republic of Iraq for the detailed response to this communication. In its reply the Government of Iraq request the Office of the High Commissioner for Human Rights to dispatch a mission to Iraq to investigate alleged violations and abuses of international human rights law. He appreciates the details shared by the authorities regarding the steps taken to provide service to displaced people. The Special Rapporteur would like to receive further information on the current stage of any investigations carried out to prosecute the perpetrators. He reiterates the crucial importance of ensuring prompt, thorough and impartial investigations. Iraq has the legal obligation to ensure the right to life to all persons living in the country and to effectively punish those responsible for violations of this right.

*General observations*

46. The Special Rapporteur thanks the Government of Iraq for the substantive reply to the communication of 18 August 2014 on allegations of mass executions perpetrated by the Islamic State. He invites the Government to provide substantive replies to two other two communications sent during the period under review. The Special Rapporteur would like to thank the Government for having invited him to undertake an official visit to the country in November 2015. The Special Rapporteur reiterates his willingness to conduct an official visit to the country that would allow him to formulate pertinent recommendations with the objective of strengthening the protection of the right to life.

## Israel

(a) JUA 28/05/2014 Case No. ISR 3/2014 **Alleged violent threats and intimidation carried out by the Israeli Defense Forces (IDF) against members of a human rights organization in Hebron, West Bank, occupied Palestinian territories.**

**Character of reply: no response**

(b) JAL 20/08/2014 Case No. ISR 9/2014 **Alleged violations by Israel of key principles of international humanitarian law, namely distinction, proportionality and precautions in attack in the context of hostilities**.

**Character of reply: no response**

(c) JAL 21/08/2014 Case No. ISR 8/2014 State reply 12/11/2014 **Alleged killings of three peaceful demonstrators in the West Bank by Israeli security forces.**

**Character of reply: substantive**

47. The Special Rapporteur thanks the Government of Israel for the reply. The Special Rapporteur welcomes the information regarding the opening of criminal investigations in relation to the death occurred in the context of the clashes between security forces and demonstrators. The Special Rapporteur would appreciate receiving detailed information on the current stage of the investigations concerning the killings of Mr. Hashem Khader Abu Maria, Mr. Abdelhamid Ahmad Abdelhamid Breighith and Mr. Sultan Yousef Mohammad Al-Shuqdam. The Special Rapporteur shares the concerns expressed by the Special Rapporteur on the situation of human rights defenders (A.HRC.28.63.Add.1 para.505) regarding the excessive use of force by Israeli security forces and Border Police during peaceful demonstrations. He urges the Government of Israel to identify and bring to justice those responsible for the alleged violations and to takes steps to end impunity and the recurrence of such acts.

*General observations:*

48. The Special Rapporteur thanks the Government of Israel for its substantive reply to the communication of 28 August 2014 and encourages the Israeli authorities to provide substantive responses to the two others communications mentioned above. The Special Rapporteur is concern regarding the alleged excessive use of force used against these protesters by Israeli security forces. Therefore, he calls upon the Government of Israel to send information on the regulations and operational procedures for law enforcement agents concerning the use of force in the context of law enforcement during assemblies and whether it is compatible with international standards on the use of force and firearms.

## Libya

(a) JAL 10/07/2014 Case No. LBY 2/2014 **Alleged killing of a human rights defender by unknown assailants in Benghazi, Libya.**

**Character of reply: no response**

49. The Special Rapporteur regrets the lack of reply to this communication.

## Malawi

JUA 06/02/2015 Case No. MWI 1/2015 Allegations of violations of the right to life of persons with albinism.

**Character of reply: no response**

50. The Special Rapporteur regrets the lack of reply to this communication.

## Maroc

JAL 13/11/2014 Cas No. MAR 7/2014 Réponse: 23/12/2014 **Allégations de détention arbitraire, d'actes de torture et de mauvais traitements, et d'exécution sommaire d'un militant des droits de l'homme et activiste politique sahraoui.**

**Caractère de la réponse: substantive**

51. Le Rapporteur spécial remercie le gouvernement marocain pour sa réponse à la communication et pour les informations fournies sur les soins médicaux apportes à M. Hassana El Quali. Le Rapporteur spécial apprécierait néanmoins de recevoir des informations complémentaires concernant les mesures prises par les autorités marocaines pour empêcher des d'éventuelles actes de violence contre des militants sahraouis par les forces de sécurité du Maroc.

## Mauritanie

JUA 11/07/2014 Case No. MRT 1/2014 **Allégations de menaces de mort contre un défenseur des droits de l'homme.**

**Caractère de la réponse: pas de réponse**

52. Le Rapporteur spécial regrette l'absence de réponse à la communication envoyée au cours de la période couverte par le présent rapport.

## México

JAL 24/03/2014 Case No. MEX 1/2014 **Alegaciones de tortura y posterior ejecución extrajudicial del Sr. Florencio Rojas Aguilar.**

**Carácter de la respuesta: sin respuesta**

53. El Relator Especial lamenta que el Gobierno no haya respondido a esta comunicación.

(b) JAL 23/05/2014 Caso No. MEX 8/2014 Respuesta: 25/08/2014 **Presunta falta de avance en la investigación y falta de ejecución de decisiones judiciales con relación a los asesinatos de dos defensores de derechos humanos en Oaxaca.**

**Carácter de la respuesta: sustantiva**

54. El Relator Especial agradece al Gobierno de México la respuesta recibida a la comunicación arriba mencionada y toma nota de la información proporcionada respecto de los trámites judiciales iniciados en la investigación sobre los asesinatos de la Sra. Alberta "Bety" Cariño Trujillo y el Sr. Jyri Antero Jaakkola. Sin embargo, el Relator Especial lamenta la falta de avance en la implementación de las 11 órdenes de aprehensión giradas por el juzgado correspondiente contra los presuntos responsables de los asesinatos mencionados. El Relator Especial agradecería recibir información complementaria sobre el estado actual de las actuaciones judiciales y espera que tales actuaciones se completen de forma exhaustiva, inmediata e imparcial, y que los presuntos responsables sean juzgados y sancionados. El Relator Especial agradece la información recibida respecto de la implementación de medidas de protección en favor de 135 familias triquis, en cumplimiento de las medidas cautelares solicitadas por la Comisión Interamericana de Derechos Humanos, así como sobre las medidas macro adoptadas por el Gobierno para garantizar la protección de los defensores de derecho humanos en México.

(c) AL 04/08/2014 Caso No. MEX 11/2014 Respuesta: 02/12/2014 **Presunto asesinato de 22 personas a manos de efectivos de la Secretaría de la Defensa Nacional de México.**

**Carácter de la respuesta: sustantiva**

55. El Relator Especial agradece al Gobierno de México la respuesta recibida a la comunicación arriba mencionada y toma nota del estado de las investigaciones penales y de la acción penal ejercida en contra de siete elementos militares que participaron en lo ocurrido en el Municipio de Tlatlaya. También toma nota de las investigaciones iniciadas en el fuero militar a fin de determinar si hubo infracción de deberes militares, de la acción penal ejercida contra ocho elementos militares en dicho fuero, y del dictamen de prisión contra los mismos. El Relator Especial toma nota igualmente de la recomendación de la Comisión Nacional de Derechos Humanos que determinó la existencia de elementos suficientes para creer que algunos oficiales militares privaron arbitrariamente de la vida a las personas que se encontraban ya rendidas, recomendación aceptada por el gobierno y las dependencias judiciales correspondientes. El Relator Especial agradecería recibir información actualizada sobre el estado actual de las investigaciones judiciales iniciadas en el foro civil penal contra todo oficial sospechoso de haber participado en ejecuciones extrajudiciales, en la medida que las violaciones a los derechos humanos cometidos por personal militar en contra de personas civiles son competencia de la jurisdicción civil. En este sentido, el Relator Especial espera que tales investigaciones se completen de forma exhaustiva, inmediata e imparcial, y que los presuntos responsables sean juzgados y sancionados. El Relator Especial lamenta no haber recibido detalles sobre las

compensaciones proporcionadas a las familias de las víctimas y queda a la espera de dicha información.

(d) JAL 15/08/2014 Caso No. MEX 13/2014 Respuesta: 15/10/2014 **Alegaciones de tortura y ejecuciones extrajudiciales cometidos por personal Militar**.

**Carácter de la respuesta: sustantiva**

56. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada y toma nota de las investigaciones iniciadas en el fuero penal y administrativo, así como de la acción penal ejercida en 2011 por la Procuraduría General de Justicia Militar (PGJM) contra efectivos militares involucrados en el caso. El Relator Especial toma nota que con posterioridad la PGJM declinó competencia en favor del Juez Segundo de Distrito en el Estado de Morelos y lamenta no haber recibido información sobre el estado de las investigaciones en tal fuero, ni sobre si los presuntos responsables fueron juzgados y sancionados. El Relator toma nota igualmente de las investigaciones forenses realizadas por la Procuraduría General de Justicia de Puebla que luego fueran remitidas a la PGJM. El Relator Especial agradecería recibir información actualizada sobre el estado actual de las investigaciones judiciales iniciadas en el foro civil penal contra todo oficial sospechoso de haber participado en ejecuciones extrajudiciales, en la medida que las violaciones a los derechos humanos cometidos por personal militar en contra de personas civiles son competencia de la jurisdicción civil. En este sentido, el Relator Especial espera que tales investigaciones se completen de forma exhaustiva, inmediata e imparcial, y que los presuntos responsables sean juzgados y sancionados. El Relator Especial también toma nota de la compensación ofrecida a los familiares de las víctimas y queda a las espera de más detalles respecto de las razones por las cuales la oferta no fue aceptada y sobre el estado actual de los tramites en tal sentido.

(e) JAL 26/09/2014 Caso No. MEX 20/2014 Respuesta: 02/12/2014 **Presunto uso excesivo de la fuerza y posibles ejecuciones sumarias por parte de fuerzas militares durante un operativo que resultó en la muerte de 22 personas en "Cuadrilla Nueva', Tlataya, Estado de México**.

**Carácter de la respuesta: sustantiva**

57. El Relator Especial agradece al Gobierno la carta recibida el 02/12/2014 en respuesta a la comunicación arriba mencionada y a la comunicación enviada el 04/08/2014 y reitera sus observaciones previas en tal sentido.. El Relator Especial agradece la información adicional recibida respecto de las medidas cautelares de protección en favor de uno de los sobrevivientes del operativo y de uno de los periodistas mencionados en la comunicación de fecha 26/09/2014, y queda a la espera de información actualizada sobre el estado de implementación de dichas medida. El Relator Especial lamenta no haber recibido información sobre las medidas de protección en favor de los otros dos sobrevivientes del caso, quienes se encuentran presuntamente en prisión, ni del segundo periodista mencionado en la comunicación, y queda a la espera de información al respecto. El Relator Especial también lamenta no haber recibido detalles sobre las compensaciones proporcionadas a las familias de las víctimas y queda a la espera de dicha información.

(f) JUA 03/10/2014 Caso No. MEX 21/2014 Respuesta: 11/11/2014 **Alegación sobre casos de ejecución extrajudicial y desaparición forzada masiva de estudiantes de la Escuela Normal Rural "Raúl Isidro Burgos" en Iguala, Estado De Guerrero, México**.

**Carácter de la respuesta: sustantiva**

58. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada y por la información detallada allí proporcionada. El Relator toma nota de las diversas acciones realizadas por las dependencias del Estado correspondientes para la búsqueda y localización de las personas desaparecidas, así como de la investigación seguida para identificar a los responsables de los hechos. Asimismo, toma nota de las investigaciones penales que resultaron en la detención de 74 personas por su probable responsabilidad en los hechos ocurridos en Iguala, incluidos policías municipales, elementos de una organización criminal y oficiales municipales y otras personas. El Relator Especial queda a la espera de información actualizada sobre el estado actual de las actuaciones judiciales iniciadas en el foro penal contra los presuntos responsables de haber participado en forma directa e indirecta en las ejecuciones. En este sentido, el Relator Especial espera que tales investigaciones se completen de forma exhaustiva, inmediata e imparcial, y que los presuntos responsables sean juzgados y sancionados. El Relator Especial también toma nota de las medidas adoptadas para ofrecer seguridad y atención a las víctimas y familiares, incluida medidas cautelares, atención médica y psicológica, y demás apoyo. El Relator Especial también lamenta no haber recibido detalles sobre las compensaciones proporcionadas a las familias de las víctimas y queda a la espera de dicha información. El Relator Especial reitera su profunda preocupación por la seguridad de las víctimas y de sus familias, y por la capacidad de las autoridades Mexicanas para avanzar de manera eficaz e imparcial en las investigaciones sobre las alegaciones de ejecución extrajudicial.

(g) JUA 25/02/2015 Case No. MEX 1/2015 Respuesta: 29/04/2015 **Presuntos actos de detención arbitraria, tortura y restricción del derecho a la defensa de un hombre que, según la Procuraduría General de la República, habría estado involucrado en la desaparición y la supuesta ejecución de 43 estudiantes.**

**Carácter de la respuesta: sustantiva**

59. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada y en lo pertinente a su mandato toma nota de la información proporcionada respecto de las investigaciones judiciales iniciadas por los hechos denunciados por el Sr. Sidronio Casarrubias Salgado, así como de las diligencias de la Visitaduría General y del expediente iniciado sobre el caso por la Comisión Nacional de Derecho Humanos. El Relator Especial queda a la espera de información actualizada sobre el estado actual de las actuaciones judiciales iniciadas contra los presuntos responsables de haber ejercido uso excesivo de la fuerza contra el Sr. Sidronio Casarrubias mientras se encontraba bajo custodia policial. En este sentido, el Relator Especial espera que tales investigaciones se completen de forma exhaustiva, inmediata e imparcial, y que los presuntos responsables sean juzgados y sancionados.

*Observaciones generales:*

60. El Relator Especial agradece al Gobierno la respuesta recibida a las comunicaciones arriba mencionadas, y queda a la espera de recibir respuesta a su comunicación de fecha 24/03/2014. El Relator expresa profunda preocupación por el grado de violencia y ataques contra el derecho a la vida en México, incluido el uso excesivo de la fuerza por parte de efectivos militares y policiales. En este contexto, el Relator Especial quisiera instar al Gobierno de México que adopte medidas eficaces para proteger a todo individuo sin discriminación alguna, así como llevar a cabo investigaciones independientes sobre presuntas ejecuciones extrajudiciales y uso excesivo de la fuerza.

## Myanmar

(a) JAL 06/11/2014 Case No. MMR 7/2014 State reply: 14/01/2015 **Allegations concerning the death of a journalist in the custody of the Myanmar Army**.

**Character of reply: procedural response**

61. The Special Rapporteur thanks the Government of Myanmar for its reply, and encourages it to provide a substantive response on this case.

(b) JAL 26/12/2014 Case No. MMR 8/2014 **Allegations concerning the killing of 23 Kachin Independence Army (KIA) unarmed cadets by artillery shelling in the Kachin State, Myanmar.**

**Character of reply: no response**

(c) JAL 05/02/2015 Case No. MMR 1/2015 **Allegations concerning physical abuses, rape and murder of two ethnic Kachin schoolteachers in the Northern Shan State, in Myanmar.**

**Character of reply: no response**

*General observations:*

62. The Special Rapporteur regrets that the Government of Myanmar has responded substantively to none of the communications sent during the period under review.

## Nepal

(a) JAL 20/06/2014 Case No. NPL 1/2014 State reply: 02/09/2014 **Alleged killings of two people and injury of some 50 others**.

**Character of reply: substantive**

63. The Special Rapporteur is grateful to the Government of Nepal for its response and takes note of the Government's comments on the facts of the case. He further welcomes the establishment of an Investigation Committee to carry out investigation on the incident. The Special Rapporteur takes note of the decision of the Government to implement, as far as practicable, the recommendations of the Investigation Committee's report, including measures to prevent such incident from recurring, identification and prosecutions against those responsible for the alleged violations and adequate compensation to the victims or their families. He encourages the Government of Nepal to take concrete steps in the implementation of these measures.

(b) JAL 03/07/2014 Case No. NPL 2/2014 State reply: 12/12/2014 **Alleged incompatibility of the Nepal Act on the Commission on Investigation of Disappeared Persons, Truth and Reconciliation, 2071 (2014) with the international human rights law.**

**Character of reply: substantive**

64. The Special Rapporteur would like to thank the Government of Nepal for its detailed response to this communication. While recognising the measures taken by the Comprehensive Peace Accord (CPA) and by the Act on Commission on investigation of Disappeared persons, Truth and Reconciliation in 2014, he would like to remind to the Government of Nepal that transitional justice programs should be framed in the context of

the international legal standards obligations, taking into account the view of the national victims. In this regard, the Special Rapporteur invites the Government of Nepal to take further steps to initiate a process of Amendment of the Act, in order to put an end to impunity for the most serious crimes.

(c) AL 16/09/2014 Case No. NPL 4/2014 **Alleged excessive use of force by the Crime Investigation Department of the Nepal Police resulting in the death of a wanted gang member.**

**Character of reply: no response**

*General observations:*

65. The Special Rapporteur thanks the Government for responses that were received to two of the three communications sent during the reporting period. He trusts that a substantive response will be received shortly to the last communication, given the seriousness of the allegations contained therein.

## Nicaragua

JAL 16/12/2014 Caso NIC 3/2014 **Alegaciones de muerte en custodia del Sr. Lubi Jesús Perez Oporta en Managua, Nicaragua.**

**Carácter de la respuesta: sin respuesta**

66. El Relator Especial lamenta que el Gobierno no haya respondido a esta comunicación.

## Nigeria

(a) JAL 28/03/2014 Case No. NGA 2/2014 **Alleged attacks on grounds of actual or perceived sexual orientation, and police inaction with regards to these attacks.**

**Character of reply: no response**

(b) JAL 22/08/2014 Case No. NGA 5/2014 **Allegations of summary executions and torture committed by members of the Nigerian military and Boko Haram.**

**Character of reply: no response**

(c) JUA 29/12/2014 NGA 6/2014 **Allegations concerning violations of the right to life in relation to the imposition of mass death sentences following unfair trials.**

**Character of reply: no response**

*General observations:*

67. The Special Rapporteur regrets that the Government of Nigeria has not yet responded to any of the communications sent during the period of review.

## Other

JUA 08/07/2014 Case No. OTH 9/2014 **Allégations de disparitions forcées en République centrafricaine.**

**Caractère de la réponse: pas de réponse**

## Papua New Guinea

(a) JAL 27/03/2014 Case No. PNG 2/2014 **Allegations concerning the indefinite detention of asylum seekers, the detention of children, the detention conditions and the violent response to protests against these conditions.**

**Character of reply: no response**

(b) JUA 19/06/2014 Case No. PNG 3/2014 **Alleged threats and attacks on a family by the police following accusations of sorcery.**

**Character of reply: no response**

*General observations:*

68. The Special Rapporteur regrets the lack of reply to both communications sent during the period of review.

## Pakistan

(a) JUA 03/04/2014 Case No. PAK 4/2014 State reply 04/04/2014 **Alleged harassment and intimidation of a human rights defender and his family.**

**Character of reply: procedural response**

(b) JUA 16/04/2014. PAK 5/2014 State Reply 16/04/2014 **Alleged arbitrary detention, prosecution and death penalty imposed due to practice of religion and in contravention of international law.**

**Character of reply: procedural response**

(c) JAL 22/05/2014 Case No. PAK 7/2014 State Reply 26/05/2014 **Alleged threats made against and the killing of a human rights lawyer related to his legitimate work as a lawyer.**

**Character of reply: procedural response**

(d) JUA 30/05/2014 Case No. PAK 8/2014 State Reply 02/06/2014 **Alleged killing and systematic persecution of Ahmadiyya Muslim minorities in Pakistan.**

**Character of reply: procedural response**

(e) JUA 05/06/2014 Case No. PAK 9/2014 **Alleged brutal murder of a 25-year-old woman by members of her own family in what they describe as a crime in the name of honour.**

**Character of reply: no response**

(f) JUA 23/10/2014 Case No. PAK 11/2014 **Alleged killing of two members of the Ahmadiyya Muslim community in Pakistan.**

**Character of reply: no response**

(g) JUA 05/11/2014 Case No. PAK 13/2014 **Allegations of a death sentence on blasphemy charges upheld by the High Court, after a trial that did not comply with fair trial and due process guarantees.**

**Character of reply: no response**

(h) JUA 19/12/2014 Case No. PAK 16/2014 State reply 02/01/2015 **Allegations on violations of the right to life due to the removal of the removal of the moratorium on the death penalty in Pakistan**

**Character of reply: addresses some substantive issues**

69. The Special Rapporteur thanks the Government of Pakistan for the response to this communication. In its reply, the Government indicates that the Government of Pakistan's policy decision to lift the moratorium on the death penalty specifically for cases related to terrorism has been taken after comprehensive deliberation to uphold the human rights of victims of terrorism. The Special Rapporteur reiterates his concern over the decision of Pakistan to rescind the unofficial six-year moratorium on death penalty for non-military personnel in terrorism-related cases, he has welcomed the decision by the Supreme Court of Pakistan to suspend death sentences imposed by military courts in a press release issued on 21 April 2015 jointly with other independent experts. The Special Rapporteur would like to receive information on the measures adopted to ensure that those who have been sentenced to death may have the possibility to obtain commutation of sentence, pardon or clemency, as per international human rights standards.

*General observations:*

70. The Special Rapporteur strongly encourages the Government to provide substantive responses to all the communications sent during the reporting period. He is further concerned with the number and varying nature of the communications sent, particularly those that address threats against journalists and human rights defenders. He shares the concern expressed by the Special Rapporteur on the situation of human rights defenders (A/HRC/28/63/Add.1 para. 305) regarding the physical and psychological integrity of Mr. Nasrullah Baloch, as well as of his relatives and his colleagues. The Special Rapporteur calls on the Government to take all necessary measures to create a safe and enabling environment for human rights defenders and journalists to carry out their legitimate activities without the fear of being killed.

## Peru

71. JUA 08/10/2014 Caso No. PER 2/2014 Presunto supuestos ataques y asesinatos contra miembros de comunidades indígenas y defensores de derechos humanos en el Perú.

**Carácter de la respuesta: sin respuesta**

72. El Relator Especial lamenta que el Gobierno no haya respondido a esta comunicación.

## Philippines

(a) JUA 04/03/2014 Case No. PHL 1/2014 **Allegations of death threats directed against a reporter working on human rights related issues and his family.**

**Character of reply: no response**

(b) JUA 31/03/2014. Case No. PHL 2/2014 **Allegations of a series of killings, attempted killings and death threats against indigenous leaders, peasant leaders and environmental activists in the Philippines.**

**Character of reply: no response**

(c) JAL 06/05/2014 Case No. PHL 3/2014 **Allegations concerning the killing of a human rights defender and the increased harassment and surveillance of a human rights lawyer.**

**Character of reply: no response**

(d) JAL 27/11/2014 Case No. PHL 5/2014 **Allegations concerning the slow progress of the trial in the case of the "Maguindanao Massacre", the killing of witnesses to the trial, and the lack of reparations to the victims.**

**Character of reply: no response**

*General Observations*

73. The Special Rapporteur regrets that no response was provided to any of the four communications sent during the period of review.

## Rwanda

JUA 02/10/2014 Cas No. RWA 1/2014 Réponse: 16/10/2014 **Allégations d'exécutions sommaires ou extra-judiciaires.**

**Caractère de la réponse: aborde quelques questions de fond**

74. Le Rapporteur spécial remercie le Gouvernement du Rwanda pour sa réponse. Il prend note de l'initiative du Gouvernement du Rwanda à collaborer avec le Gouvernement burundais afin d'éclairer la situation et d'établir les faits qui ont causé la mort des personnes mentionnées dans la communication. En ce sens, le Rapporteur spécial apprécierait recevoir des informations supplémentaires et détaillées sur l'état actuel des investigations.

## Saudi Arabia

(a) JUA 02/04/2014. Case No. SAU 4/2014 **Alleged risk of imminent execution of a migrant worker in violation of international human rights law.**

**Character of reply: no response**

(b) JUA 20/08/2014 Case No. SAU 8/2014 State reply 08/12/2014 **Alleged arbitrary detention, inhumane treatment, denial of urgent medical treatment and infringement of due process and fair trial guarantees.**

**Character of reply: substantive**

75. The Special Rapporteur thanks the Government of the Kingdom of Saudi Arabia for the response to this communication. He takes note of the information provided on the facts of the case. He regrets however the information received from other sources indicating that Mr. Hajras bin Saleh bin Muhammad al-Qurey was executed. The Special Rapporteur strongly urges the Government of Saudi Arabia to bring its domestic legislation and practice in conformity with the international standards regarding the imposition of death penalty.

(c) JUA 28/08/2014 Case No. SAU 9/2014 **Alleged arbitrary detention, inhumane treatment, lack of adequate medical treatment and infringement of due process and fair trial guarantees**.

**Character of reply: no response**

(d) JAL 04/09/2014 Case No. SAU 10/2014 **Allegations of death sentences imposed by beheading for non-violent offenses in Saudi Arabia.**

**Character of reply: no response**

(e) JUA 17/11/2014 Case No. SAU 12/2014 State reply: 31/12/2014 **Alleged arbitrary detention, inhuman treatment, lack of adequate medical treatment and infringement of due process and fair trial guarantees.**

**Character of reply: substantive**

76. The Special Rapporteur thanks the Government of Saudi Arabia for its response to the communication. The response indicated that the Kingdom's legislation provides guarantees for a fair trial and due process in conformity with the Universal Declaration of Human Rights, and particularly articles 9, 10 and 11, paragraph 1, thereof and with the Basic Principles on the Role of Lawyers. However, the Special Rapporteur is especially concerned about allegations indicating that death penalty has been imposed in violation of international human rights law, in particular of the standards on fair trial and due process provisions. The Special Rapporteur would like to urge the Government of the Kingdom of Saudi Arabia not to execute Sheikh Nimr Baqir Al-Nimr.

*General observations*

77. The Special Rapporteur thanks the Government of the Kingdom of Saudi Arabia for its responses during the reporting period. He strongly encourages the Government to provide substantive responses to the communications dated 2 April 2014, 28 August 2014 and 4 September 2014. In a press release issued on 9 September 2014, the Special Rapporteur, jointly with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment called on Saudi Arabia to implement an immediate moratorium on the use of the death penalty amid a reported increase in executions, many of them by beheading. He reiterates his deep concern about the continuing reports on the very high number of executions and individuals at risk of execution at the Kingdom of Saudi Arabia, and calls on the Government to take steps to ensure that the death penalty is not imposed for offences which do not meet the threshold of "most serious crimes".

## Sri Lanka

JUA 26/06/2014 Case No. LKA 6/2014 State reply: 02/10/2014 **Alleged systematic attacks and violence against members of religious minorities**.

**Character of reply: substantive**

78. The Special Rapporteur thanks the Government of Sri Lanka for the detailed response to this communication concerning conflicts occurred during events in Aluthgama and Beruwala, Welipenna, and Dharga. He takes notes of the Government's comments on the factual elements of the case, while recalling the international concerns expressed about violent attacks against the Muslim and Christian communities in Sri Lanka. The Special Rapporteur welcomes the information regarding the opening of an investigation by the Criminal Investigation Department of the Sri Lanka Police. He would appreciate receiving updated information on the current stage of the investigations, including those related to the attacks which occurred in June 2014. In this regard, he would like to remind the Government of Sri Lanka of the State's duty to ensure thorough, prompt and impartial investigations and prosecutions of all suspected cases of extrajudicial, summary or arbitrary executions.

## Sudan

JUA 14/05/2014 Case No. SDN 2/2014 Allegations of arbitrary detention, denial of a fair trial and due process, ill-treatment and the issuing of an unlawful sentence on the basis of unfounded evidence and improper indictment on grounds of adultery and/or of apostasy

**Character of reply: no response**

79. The Special Rapporteur regrets the lack of reply to this communication.

## Syrian Arab Republic

JAL 30/05/2014 Case No. SYR 5/2014, State reply: 6/02/2015 **Allegations of arbitrary arrest and detention, denial of medical care in detention, torture and killing of a military judge**.

**Character of reply: addresses some substantive issues**

80. The Special Rapporteur would like to thank the Government of the Syrian Arab Republic for it response to this communication. In its reply, the Government indicates that Mr. Al Refai was arrested by the competent authorities for being charged with military betrayal, in addition to planning to carry out terrorist attacks. However, according to the information received Mr. Al Refai was reportedly arrested after he inquired about the fate of his sister, who was suspected of being a political opponent. After months of incommunicado detention, he was sentenced to ten years in prison, on a similar charge as his sister. When his relatives eventually saw him in detention he had clear signs of torture and mistreatment and of serious threat to his health as a result, and was being denied medical attention. He died while still in custody in May of 2014. The Special Rapporteur regrets the limited reply provided by the Government and would have appreciated receiving detailed answers to all seven questions formulated in the communication.

## United Kingdom of Great Britain and Northern Ireland

(a) JUA 20/10/2014 Case No. GBR 3/2014 State reply 28/10/2014, 06/11/2014 **Alleged arbitrary detention and risk of deportation to Pakistan of an asylum seeker in violation of the principle of non-refoulement.**

**Character of reply: substantive**

81. The Special Rapporteur thanks the Government of United Kingdom of Great Britain and Northern Ireland for its reply. The Rapporteur takes note of the information provided by the Government that Mr. Hazara has exhausted his appeal rights. Also he notes that his removal did not go ahead on 21 October 2014 as the Emergency Travel Document requested from the Pakistan High Commission was not issued in time for his flight. Further, that additional submissions made on behalf of Mr. Hazara were being considered. The Special Rapporteur would like to reiterate its concern over the fact that Mr. Hazara would be at risk of being killed, if returned to Pakistan.

(b) JUA 02/12/2014 Case No. GBR 6/2014 State reply 26/02/2015 **Alleged arbitrary detention and risk of persecution, torture and killing upon deportation from the United Kingdom to Pakistan of an asylum seeker.**

**Character of reply: addresses some substantive issues**

82. The Special Rapporteur thanks the Government of United Kingdom of Great Britain and Northern Ireland for its reply to this communication. In its reply, the Government indicates that Mr. Hazara has been granted bail by an Immigration Judge and so he is no longer in detention.

*General Observations*

83. The Rapporteur acknowledges the comprehensive account of the Government in response to the concerns, legal obligations and questions raised in the communications regarding Mr. Hazara. The Special Rapporteur would like reiterate that article 6 of the International Covenant on Civil and Political Rights (ICCPR) affirms that every individual has the right to life and security of the person. Furthermore, the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65, in particular principle 5 states that "no one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become victim of extra-legal, arbitrary or summary execution in that country".

## United Republic of Tanzania

JAL 08/08/2014 Case No. TZA 2/2014 **Allegations of ongoing attacks against persons with albinism resulting in death or severe maiming, and of lack of adequate protection.**

**Character of reply: no response**

84. The Special Rapporteur regrets the lack of reply to this communication.

## Thailand

(a) JUA 06/05/2014 Case No. THA 4/2014 **Alleged attempted killing and intimidation of a human rights defender.**

**Character of reply: substantive**

85. The Special Rapporteur regrets the lack of reply to this communication. The Special Rapporteur thanks the Government of Thailand for its response. The Special Rapporteur takes note of the information submitted regarding on-going investigations into the alleged attempt killing of Ms. Uma. However, the Special Rapporteur regrets not having received information on the results of these investigations. He encourages the Government to provide such information.

(b) JUA 19/02/2015 Case No. THA 2/2015 State reply 24/02/2015 02/04/2015 **Allegations of threats against, incommunicado detention, attempted killing and killings of several environmental and land rights defenders, as well as threats against community members.**

**Character of reply: substantive**

86. The Special Rapporteur thanks the Government of Thailand for its reply to this communication. However, he regrets that the Government did not provide sufficient clarifications to the questions raised in this communication. In particular with regard to the the measures that have been taken to provide security to the family members and community members working with Mr. Pitan Thongpanang, Mr. Somsuk Kohkrang and Mr. Chai Bunthonglek following their killings, as well as information on the measures that have been taken to provide security to Mr. Suwit Jeh-Soh and his family. He would also like to receive more information on the progress of the investigation into the killings of Ms. Montha Chukaew and Ms. Pranee Boonrat, as well as compensation provided to the victims or their families.

## Tunisia

JAL 07/11/2014 Cas No. TUN 2/2014 Réponse: 07/01/2015 **Allégations concernant des actes de torture de deux hommes et leur décès.**

**Caractère de la réponse: substantive**

87. Le Rapporteur spécial remercie le Gouvernement de Tunisie pour sa réponse datée du 7 janvier 2015. Le Rapporteur a pris connaissance de l'explication exhaustive du gouvernement en réponse aux obligations légales et questions soulevées dans la communication initiale. Le Rapporteur prend aussi note de l'information selon laquelle M. Mohamed Ali Snoussi et M. Ali Ben Khemayes Louati avaient bénéficié de tous ses droits en tant que détenues, y inclus le droit à l'accès aux soins médicaux. Néanmoins, le Rapporteur reste toutefois préoccupé par l'absence d'enquête sur les circonstances de la mort de M. Mohamed Ali Snoussi et M. Ali Ben Khemayes Louati.

## Ukraine

AL 03/11/2014 Case No. UKR 2/2014 Reply: 08/04/2015 **Allegations of summary executions of nine persons in the South-East region of Ukraine.**

**Character of reply: substantive**

88. The Special Rapporteur thanks the Government of Ukraine for the response to this communication. In its reply, the Government provides details regarding the investigations that have been undertaken into these deaths. He recalls that the Governments' duty is to ensure that a prompt, impartial thorough investigation is carried out to shed light on the circumstances on each killing, to identify the perpetrators and bring them to justice. Moreover, he would like to thank the Government for having invited him to undertake an official visit to the country in September 2015.

## United States of America

(a) JAL 04/08/2014 Case No. USA 13/2014 **Alleged use of compounded and untested drugs for lethal injections, causing pain and suffering to the condemned, amounting to cruel, inhuman and degrading treatment under international human rights law.**

**Character of reply: no response**

89. The Special Rapporteur regrets the lack of reply to this communication.

(b) JAL 28/08/2014 Case No USA 14/2014 Reply: 22/10/2014 **Allegations of the killing of a young African-American man, and of the subsequent excessive use of force and acts of intimidation against demonstrators and journalists in the city of Ferguson, Missouri.**

**Character of reply: substantive**

90. The Special Rapporteur thanks the Government of the United States of America for its response. The Special Rapporteur takes note of the information submitted regarding the judicial investigations by a local county grand jury to determine whether there is probable cause under state law to indict the police officer who killed Mr Brown, as well as the federal criminal civil rights investigation into the shooting launched by the U.S. Department of Justice. However, the Special Rapporteur regrets not having received updated information on the results of these investigations. He also regrets not receiving information on whether any judicial investigations have been carried out into the allegations of excessive use of force by police officers during the protests of August 2014 in Ferguson, including against four journalists, and whether penal, disciplinary or administrative sanctions have been imposed on the alleged perpetrators. The Special Rapporteur takes note of the information provided by the Government regarding the initiatives by the Department of Justice to address police practices in the city of Ferguson and in St. Louis County, namely a civil pattern or practice investigation into allegations of unlawful policing by the Ferguson Police Department, and a Collaborative Reform Initiative with the St. Louis County Police Department. He also takes note of the United States President's Order to review federal programmes that provide military equipment to local law enforcement. The Special Rapporteur would appreciate receiving detailed and updated information on the outcome of these initiatives. The Special Rapporteur regrets not having received detailed information on the regulations and operational procedures for law enforcement agents concerning the use of force in the context of law enforcement during assemblies and whether such regulations and procedures are compatible with international standards on the use of force and firearms by law enforcement, and encourages the Government to provide such information.

(c) JUA 09/09/2014 Case No. USA 16/2014 **Alleged infringement of due process and fair trial guarantees, including racial discrimination.**

**Character of reply: no response**

91. The Special Rapporteur regrets the lack of reply to this communication and encourages the Government to respond substantively. The Special Rapporteur regrets the information received from other sources indicating that Mr. Earl Ringo was executed. Should the allegations in the communication be corroborated, the Special Rapporteur maintains his concern that the death penalty against Mr. Earl Ringo may have been imposed and carried out in violation of international human rights law standards and urges the authorities of the United States of America to ensure full respect of these standards.

(d) JUA 01/12/2014 Case No. USA 18/2014 Reply: 11/12/2014 **Allegations concerning the imposition of the death penalty on a mentally ill prisoner, following judicial proceedings which did not comply with due process and fair trial guarantees.**

**Character of reply: addresses some substantive issues**

92. The Special Rapporteur thanks the Government of the United States of America for its response and welcomes the decision to stay the execution.

(e) JUA 09/12/2014 Case No. USA 20/2014 Reply: 30/04/2015 **Allegations of imposition of death penalty on a person with intellectual and psychosocial disabilities.**

**Character of reply: addresses some substantive issues**

93. The Special Rapporteur thanks the Government of the United States of America for its response. He regrets however the Government's confirmation of the fact that Mr. Paul Goodwin was executed on 10 December 2014. Should the allegations in the communication be corroborated, the Special Rapporteur maintains his concern that the death penalty against Mr. Goodwin may have been imposed and carried out in violation of international human rights law standards. In this regard, he would like to remind the Government that, under international human rights law standards, it is prohibited to impose capital punishment against individuals with a mental disability. He urges the authorities of the United States of America to ensure full respect of this standard. The Special Rapporteur would appreciate receiving detailed information on how the reports on Mr. Goodwin's alleged mental illness, as well as the allegations of judicial error in his case, were considered during the proceedings against the defendant.

(f) JAL 23/01/2015 Case No. USA 2/2015 **Alleged imposition of the death penalty on an individual with reported psychosocial disabilities.**

**Character of reply: no response**

94. The Special Rapporteur regrets the lack of reply to this communication. The Special Rapporteur regrets the information received from other sources indicating that Mr. Warren Hill was executed. Should the allegations in the communication be corroborated, the Special Rapporteur maintains his concern that the death penalty against Mr. Hill may have been imposed and carried out in violation of international human rights law standards. In this regard, he would like to remind that, under international human rights law standards, it is prohibited to impose capital punishment against individuals with a mental disability. He urges the authorities of the United States of America to ensure full respect of this standard. The Special Rapporteur would appreciate receiving detailed information on how the reports on Mr. Hill's alleged mental illness, as well as the allegations of judicial error in his case, were considered during the proceedings against the defendant.

*General observations*

95. The Special Rapporteur thanks the Government of the United States of America for the responses received. However he regrets that, at the time of the finalisation of this report, no substantive responses had been transmitted to several communications sent during the reporting period and he trusts that the Government will provide responses to those communications shortly. He is concerned about the number of death sentences imposed and executions carried out in circumstances where compliance with international standards on fair trial and due process are doubted, in particular, in matters involving individuals who are alleged to suffer from mental illness.

## Venezuela

JAL 20/02/2015 Caso No. VEN 1/2015 Respuesta: 22/04/2015 **Alegaciones relativas a las disposiciones de la resolución ministerial 008610, las cuales limitarían de forma desproporcionada e innecesaria el ejercicio del derecho a la libertad de reunión pacífica y el derecho a la libertad de expresión**

**Carácter de la respuesta: sustantiva**

96. El Relator Especial agradece al Gobierno la respuesta recibida a la comunicación arriba mencionada y toma nota de la información detallada allí proporcionada con relación al marco legal que rige el desempeño de las fuerzas de seguridad en el resguardo y control de las manifestaciones públicas, el emplazamiento de la resolución ministerial 008610 en el marco jurídico nacional, , y el rol y las responsabilidades de las instituciones encargadas de la seguridad y el mantenimiento del orden público. El Relator Especial toma nota de las explicaciones proporcionadas por el Gobierno respecto de la no necesidad de un proceso de consulta con la sociedad civil en las etapas de elaboración de la resolución por cuanto se trata de un instrumento normativo de rango sub-legal. Sin embargo, el Relato Especial insiste en la necesidad de consultar a la sociedad civil a fin de asegurar la transparencia y una amplia representación en el proceso de elaboración de dicho instrumento. El Relator Especial queda a la espera de toda información complementaria que el Gobierno considere necesario remitir, según lo indicado en la misiva.

## Vietnam

JUA 25/07/2014 Case No. VNM 8/2014 State reply: 06/10/2014 **Alleged imposition of the death penalty against an individual suffering from a mental disability**.

**Character of reply: addresses some substantive issues**

97. The Special Rapporteur thanks the Government of Vietnam for its response to this communication. At the same time, he regrets that the verdict of the death penalty was upheld in this case. He would particularly appreciate the government's response regarding the allegations that the individual was suffering from a mental disorder. In this regard, he invites the Government of Vietnam to provide additional details on each stage of the judicial proceedings against the defendant and the compliance of each stage of the proceedings with the international standards of fair trial. Should this allegation be corroborated, the Special Rapporteur would like to express concern over the fact that the death sentence has been carried out in violation of international human rights standards, and in particular on the principle of non-appliance of death penalty on the mentally ill or disabled persons. In this regard, the Special Rapporteur would appreciate receiving

additional and detailed information, including response to all the other questions mentioned in the communication.

### Yemen

JAL 03/11/2014 Case No. YEM 6/2014 **Allegations of extrajudicial executions and excessive use of force against peaceful protesters, in Sanaa on 7 and 9 September 2014.**

**Character of reply: no response**

98. The Special Rapporteur regrets the lack of reply to this communications.

## VI. Observations to cases transmitted and replies received to communications sent prior to the reporting period

### Colombia

JUA 25/02/2014 Caso No. COL 3/2014 Respuesta: 17/02/2015 **Presunto patrón de ataques y amenazas de muerte perpetrados por actores no-estatales contra defensores de derechos humanos en Colombia**

**Carácter de la respuesta: aborda algunas cuestiones de fondo**

99. El Relator Especial agradece al Gobierno de Colombia la respuesta recibida a la comunicación arriba mencionada y toma nota de la información proporcionada por la Unidad Nacional de Protección respecto de las evaluaciones de riesgo y necesidades de protección iniciadas en favor de un número de individuos, incluidos la Sra. Martha Díaz. Sin embargo, la información allí referida es insuficiente por cuanto no menciona los resultados de la evaluación de la situación de riesgo de la Sra. Díaz ni informa si fueron adoptadas medidas de protección de acuerdo a la necesidad del caso. El Relator Especial lamenta además no haber recibido información sobre las medidas de protección adoptadas en respuesta a las amenazas recibidas por las demás personas identificadas en la comunicación. Asimismo, el Relator Especial lamenta no haber recibido información respecto de si se han iniciado investigaciones judiciales sobre las presuntas amenazas contra todas las personas mencionadas en la comunicación y si se ha avanzado en la identificación, procesamiento y sanción de los presuntos responsables. El Relator Especial llama la atención del Gobierno sobre la necesidad de que se lleven a cabo las investigaciones y se adopten las medidas necesarias, de manera urgente, a fin de garantizar la protección efectiva de todas las personas identificadas en la comunicación, y queda a la espera de recibir la información solicitada.

### Egypt

(a) JUA 30/08/2013 Case No. EGY 13/2013 State Reply: 04/10/2013; 26/10/2013; 05/06/2014 **Allegations regarding the escalating violence and intimidation against journalists and the media in Egypt.**

**Character of reply: substantive**

100. The Special Rapporteur would like to thank the Government of Egypt for its responses. The Special Rapporteur calls on the Government to take all necessary measures to create a safe and enabling environment for human rights defenders and journalists to

carry out their legitimate activities without the fear of being killed. He stresses that in all suspected cases of extrajudicial, summary or arbitrary executions shall be a prompt, impartial and thorough investigation into the allegations and the accountability of those responsible should be ensured in accordance with principles 9 and 18 of the Principles on the Effective Prevention of Extra-legal, Summary or Arbitrary Executions.

## India

JAL 10/01/2014 Case No. IND 1/2014 State Reply 17/01/2014, 31/07/2014 **Alleged death in custody.**

**Character of reply: addresses some substantive issues**

101. The Special Rapporteur thanks the government of India for its response to this communication and takes note of the Government's information on the facts. He welcomes the information on the conduct of investigations into this case and on the results of medical examinations. He regrets, however, that the Indian Government did not reply to some of the questions contained in the communication of 10 January 2014. He would appreciate receiving update information on this case, more particularly concerning the investigations submitted to the district magistrate and the Court of additional District Judge, Khetri. Finally, he would like to kindly remind the Government of India that it is the State's duty to protect the right to life and physical and mental integrity of all persons and to ensure thorough, prompt and impartial investigations on all suspected case of extrajudicial, summary or arbitrary executions.

## Iran (Islamic Republic of)

(a) JUA 26/08/2013 Case No. IRN 14/2013 State reply: 29/09/2014 **Alleged imminent risk of execution after proceedings that did not comply with international standards concerning the right to fair trial.**

**Character of reply: addresses some substantive issues**

102. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its response. He however regrets that the execution of Mr. Hashem Shabani and Mr. Hadi Rashedi were carried out despite the concerns that such executions constitute a violation of international human rights law. The Special Rapporteur is concerned that the death penalty continues to be imposed for non-serious crimes and that trials do not comply with due process safeguards. The Special Rapporteur also notes that some of the concerns raised in the communication were not addressed by the Government.

JUA 15/11/2013 Case No. IRN 23/2013 State Reply: 20/05/2014 **Alleged risk of imminent execution in violation of international human rights law**.

**Character of reply: addresses some substantive issues**

103. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its response. In its reply, the Government indicates that after exhausting the domestic judicial processes, Messrs. Zaniar Moradi and Loghman Moradi have been convicted to death penalty by the court. The Special urges the Government to ensure that death penalty safeguards are fully respected in all capital punishment cases.

(c) JUA 28/02/2014 Case No. IRN 1/2014 State reply 04/08/2014, 29/09/2014 **Alleged risk of imminent executions in violation of international human rights law.**

**Character of reply: addresses some substantive issues**

104. The Special Rapporteur thanks the Government of the Islamic Republic of Iran for its responses to this communication. The Special Rapporteur regrets that Ms. Faryaneh Moradi was hanged on 4 March 2014 in Isfahan Prison after being tried for murdering her husband. In a press release issued on 12 March 2014, the Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on violence against women, its causes and consequences, issued a press statement in which they condemned the execution of Ms. Farzaneh Moradi and reiterated their call for an immediate moratorium on the death penalty.

## Saudi Arabia

(a) JUA 31/01/2014 Case No. SAU 2/2014 State reply: 12/02/2014, 26/01/2015 **Alleged detention and prosecution of a blogger and organizer of a conference to mark the "day of liberalism" on charges of insulting Islam and "apostasy".**

**Character of reply: addresses some substantive issues**

105. The Special Rapporteur thanks the government of Saudi Arabia for the responses to this communication. In its reply, the Government of Saudi Arabia indicated that Mr. Raef Badawi is a Saudi Arabian citizen who has been tried by the national judiciary, which is a fair and independent body in which no one has the right to interfere. The Special Rapporteur is alarmed about reports on the other violations identified in the case against Mr. Badawi and he would like to reiterate the importance of ensuring the highest level of respect of international human rights law regarding fair trial and due process safeguards at each stage of the proceedings.

## Sri Lanka

UA 26/11/2013 Case No. LKA 5/2013 State reply: 2/02/2015: **Allegations of death threats against a human rights activist**

**Character of reply: addresses some substantive issues**

106. The Special Rapporteur would like to thank the Government of Sri Lanka for its response to this communication and takes notes of the Government's comments on the facts. However, he would have appreciated to receive more detailed information on the legislation put in place to ensure protection of human rights defenders in Sri Lanka, and on the measures undertaken to prosecute those responsible for the violation of the allegations mentioned in the communication.

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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

**Addendum**

## Mission to the Gambia: comments by the State on the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*

* Reproduced as received.

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# Mission to the Gambia: comments of the Government of the Gambia on the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions

**The following document represents the views and comments of the Government of the Gambia in respect of the Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, drafted following a country visit to the Gambia from 3 to 7 November 2014.**

## I. Introduction

1. The Gambia is dismayed at the bias manner in which the Special Rapporteur has presented its Report. The allegations contained therein are unsubstantiated and lack merit, with a heavy reliance on tabloids as a source of information. The Report fails to highlight the positive effort and achievements of The Gambia in the field of Human rights.

2. Given the bias and speculative nature of the Report, the Report is an inaccurate representation of the situation on the ground. We note that the Report of the Special Rapporteur is based substantially on information generated by other bodies such as Amnesty International and tabloid Reports whose publications about The Gambia remain unverified.

3. The fact that the Special Rapporteur based most of his allegations on inferences, speculations and unverified information are particularly worrying especially when the Special Rapporteur did not confirm the veracity of these allegations with The Gambian Government Officials.

4. In Paragraph 2 of the Report, the Special Rapporteur states that during the visit, they met with certain Government officials including the Deputy Minister of Health. This is incorrect as no such designation exists in The Gambia.

## II. General background

5. Paragraph 10 of the Report states "... despite legal provisions for Court Marshall Proceedings to be public, they have reportedly started in closed chambers and it is unclear whether the accused have adequate legal representation..." This statement is factually incorrect and has no basis in reality. The proceedings did not take place in closed chambers. The provisions of section 24 of the Constitution of The Gambia and section 109 of the Armed forces Act were observed at all times during the trial of the accused. On the issue of legal representation, all accused were legally represented by private practitioners paid for by the National Agency for Legal Aid (NALA). The rights of the accused to legal representation has not been breached in anyway. Their family members were present during the trial and they were allowed access to their families. Given the nature of the proceedings which borders on national security, the press were excluded for obvious reasons.

## III. Death penalty

6. In Paragraph 20, we agree with the Special Rapporteur that Article 18(2) of the constitution of The Gambia is in line with international standards, we disagree however that the "reality however, is different".

7. Paragraph 21 is not an accurate representation of The Gambian law. The Special Rapporteur fails to highlight that even though the death penalty exists with regards to offences under the Armed forces Act, particularly sections 26 to 39, 41 and 45, the sentence of death is however not mandatory. The Court Martial has discretion to impose the death sentence or life imprisonment or any less punishment provided by the Act. Save for the offences under section 188 and 35(f) of the Criminal Code which carries a mandatory death sentence, Gambian law clearly empowers the court, in appropriate circumstances, to impose the death penalty as it is in force, having being restored in 1995. It therefore follows that the law is in line with international standards and its interpretation has also conformed to international standards.

8. In view of the above and fact that the Supreme Court of the Gambia has interpreted Section 18(2) of the Constitution in line with international standards, the Special Rapporteur has no basis for concluding that the " reality on the ground is however different".

9. In paragraph 11 the Special Rapporteur notes "...interference with the independence of the judiciary... Human rights protection is largely an illusion". However in Paragraph 22, the Special Rapporteur acknowledges the decision of the Supreme Court of The Gambia in Badjie v. The State, "The Special Rapporteur is pleased to learn...the supreme court unanimously agreed and commuted the death sentences to life imprisonment". Contrary to the allegation made in paragraph 11, Paragraph 22 is a clear manifestation of the independence of The Gambia's judiciary, free from executive control or influence.

10. Paragraph 24, "the Special Rapporteur received Reports about the inadequate conditions of detention of death row prisoners...The fact that the permission that he was granted to visit this establishment and to investigate these allegations was cancelled at the last minute, seem to support the contention that the State believes it has to hide the conditions from international scrutiny." Again, this is speculative and not supported by any evidence. The condition of detention and treatment of persons on death row in The Gambia are fair and meets international standards. Lawyers and family members have unhindered access to death row inmates. The fact that the Special Rapporteur did not have access to the security wing cannot in itself justify the conclusion that "The Gambia has something to hide", besides which country will open its maximum security wing to the public?

## IV. Resumption of execution and conditional moratorium

11. Paragraphs 25- 34 are merely speculative and their veracity has not been verified. All trials resulting in the imposition of the death penalty were carried out according to due process and fair trial standards.

12. Contrary to the allegation contained in paragraph 27, all nine death row inmates who were executed in August 2012 had already exhausted their appeals. The executions were conducted in accordance with Gambian law and were not arbitrary.

13. Paragraph 30 is inaccurate, no inmate with a mental condition was executed in August 2012 and there are no inmates at the Mile II Central Prisons with mental disorders.

14. Paragraph 33 is incorrect and does not represent the information given to the Special Rapporteur. The Gambian Officials informed the Special Rapporteur that according to the

Prisons Act, the Committee conducts a visit on the Prisons Quarterly. However, Members of the said committee can visit the prisons at any given time. On the composition of the Committee, it comprises Government Officials, Retired Civil Servants and Private Individuals.

## V. Use of force by law enforcement and activities of paramilitary groups

15. Paragraph 36 is factually incorrect. The Gambia has not recorded any "deaths in custody" by the agents of the NDEA. In the case of Cherno Alieu Suwareh, we state categorically that Mr. Suwareh's death did not occur whilst he was in the custody of the NDEA. Those accused of his death were all investigated and prosecuted in accordance with the law. A court of competent jurisdiction acquitted and discharged them in view of the evidence before it and nothing else.

16. Contrary to the allegations under paragraph 46, the NDEA is mandated to investigate drug related matters under the Drug Control Act of 2003 and its subsequent Amendments. The Act makes provision for and provides guidance on the activities on the NDEA, having due regard to the fundamental rights and liberties of persons.

17. It is with disappointment that the Special Rapporteur chooses to make such allegations as contained in paragraph 46 given that, during the period of visit, The Gambian officials provided a copy of the Drug Control Act to the Special Rapporteur which clearly outlines the mandate and powers of the NDEA.

## VI. Impunity for extrajudicial executions and enforced disappearances

18. Law Enforcement Officers are continuously engaged in training and sensitization on human rights especially Officers of the Police Human Rights Unit.

19. Paragraph 41 of the Reports states "...reports of the police regularly extending the 72 hour limit for detention without charge and seldom conducting an arrest pursuant to a warrant". This is unsubstantiated and unverified. We task the Special Rapporteur to provide instances of the allegations made in the said paragraph.

20. Paragraph 44 of the Report states "...serious concern about the broad and unchecked power as afforded to such special units under the umbrella of the Gambia Police Force". This is an inaccurate representation of facts. The special unit under the Gambia Police force comprises of all Security Units which are meant to compliment the efforts of Police and Immigration.

21. We also take issue with the allegations made in Paragraph 48. There is an on-site medical facility at the Prisons. Autopsy investigations are performed on all deaths that occur within the vicinity of Mille II Central Prisons. There has not been any report of deaths due to the use of excessive force or mistreatment. All death cases are accompanied with comprehensive medical certificates on the causes of death.

22. Paragraph 55 does not fully reflect the situation on the ground. The Gambia does not treat cases involving law enforcement officers any different. Law enforcement officers have faced the full force of the law when charges are levied against them. For example in the case of the State v. Edrissa Jarju and Edrissa Jaiteh, both NDEA officers accused of murder, were tried on a murder charge before the High Court of The Gambia. Even though they were acquitted, the State filed a motion for appeal against their conviction at the Court

of Appeal. It is therefore unfair and inaccurate to conclude that there is impunity for crimes committed by law enforcement officers. In the case of Cherno Alieu Suwareh, the accused were arrested, charged and prosecuted. Justice took its course when they were acquitted and discharged following a full blown trial.

23. In Paragraph 56, the Special Rapporteur has not checked the authenticity or source of the photos to enable him to arrive at the conclusion that they were indeed photos of the dead coup plotters.

24. In Paragraph 58, the decision to deny the Special Rapporteur access to the security wing of the Mile II Prisons has no relevance or bearing on the willingness of the Government of The Gambia to receive international assistance to investigate the cases of Mr. Manneh and Mr. Hydara.

25. Paragraph 59 to 63 are based on mere speculations. There is no proof to support the allegations made therein.

## VII. Accountability for human rights violations

26. In Paragraph 71, we note that all cases involving law enforcement officers where they were alleged to have perpetrated a killing have been investigated and prosecuted. We cannot therefore urge our Courts to convict based on insufficient evidence in an attempt to appease the international community. Where the state has not been satisfied with the decision of the court, it has resorted to appealing the decision.(See paragraph 15 above)

27. We reiterate the independence of The Gambian Judiciary, contrary to the allegation of lack of independence made in paragraphs 72. (See paragraph 6 above)

## VII. Conclusion

28. **In light of the above responses, we are confident that the Report will be reviewed and amended accordingly.**

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**Twenty-ninth session**
Agenda item 3
**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns

**Addendum**

## Follow-up country recommendations: Turkey

## Comments by the State on the report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*

* Reproduced as received.

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# Comments for the Government of Turkey to the Follow-up report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns on the mission to Turkey.

## The following document represents the views and comments of the Government of Turkey in respect of the Follow-up report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, on the mission to Turkey from 26 to 30 November 2012.

It is considered that it should be beneficial to convey the following additional information regarding Clause B of the 4th Chapter of the report which will be submitted by the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions about Turkey in the 29th Session of the Commission on Human Rights which will be organized in 2015.

As the duration of the National Action Plan on Combating Violence against Women (2012-2015) referred in the 40th Paragraph expires by the end of this year, updating activities of the National Action Plan on Combating Violence against Women have been started for 2016 and 2019. The new Action is aimed to be inclusive of the progress recorded in national and international legislation, strong commitments and liabilities in terms of relevant institutions and be one that has a more binding power.

- A "Cooperation Protocol on the Pilot Implementation of the Technical Surveillance within the scope of Combating Violence against Women" was signed on March 8, 2015 among the Ministry of Family and Social Policies, the Ministry of Justice and the Ministry of Interior. The pilot application has been started in Ankara and İzmir. The pilot application started the "electronic bracelet" practice which is an active model in which the victims of violence as well as the perpetrator are both monitored at the same time.
- The "Impact Analysis Study of the Law No. 6284" which aims to measure the effect and efficiency of the Law holding interviews with the victims of violence, men perpetrators of violence and the law implementers in relation to the Law No. 6284 on Protection of Family and Prevention of Violence against Women, which has been in effect since 2012 via qualitative and quantitative methods. The evaluations are still continuing regarding the Impact Analysis Study, which is planned to be completed by the first half of 2015. It is planned to introduce improvements to the national legislation and implementation processes in parallel to the opinions and recommendations submitted in the Impact Analysis study.

It is deemed appropriate to add the following paragraph to the 44th Article of the Clause B of the 4th Chapter to be followed after the first sentence:

*The project is addressing coordination and quality of shelter service provisions, training for service providers and public awareness raising activities. Therefore, this project can be characterised as a capacity building, training and cooperation project. Expected results also include the enhanced collaboration by central and local governing bodies and local NGOs for improved mechanisms to combat violence against women in 26 project provinces. In addition, under the Grant Component of the project, there have been grants given to civil society organizations for 19 projects in 11 provinces to strengthen the capacity combating violence against women.*

*Besides, another project "Enhancing the Protective Measures for Women Subjected to Violence: Electronic and Monitoring Supply of Equipment" have been implementing with the aim of purchasing vehicles (completed) for shelters and evaluation of pilot electronic monitoring system application (ongoing).*

The statement "Any staff member taking charge in counterterrorism is provided with the Basic Training on Counterterrorism, Training on Police Defence Tactics and Course on Methods of Arrestment and Taking into Custody, and the Course of Human Rights is contained in the Curriculum" has been added verbatim as 22nd paragraph. However, it is seen that whether the training curriculums comprise international principles or not, and more detailed information on the trainings are required by the Special Rapporteur.

Within this framework the personnel in charge in the Central and Provincial Units of the Counterterrorism Department are enabled to participate in the in-service courses regularly in coordination with the Department of Counterterrorism for the purpose of ensuring that they will perform their duty in line with preventing the acts deemed terrorist crimes, protecting personal rights and freedoms as well as public order and security, and public peace and within the framework of an understanding of duty respectful to the principles of state of law and human rights. The curriculums contain subjects on European Council, European Convention on Human Rights, Universal Declaration of Human Rights and European Court of Human Rights.

It is recommended in the Rapporteur' s Additional Follow-up Report that offering refresher courses would be beneficial for the competent personnel to use Nonlethal Gas and Defence Guns which they have taken course on. Regarding this, the whole personnel competent to use Tear Gas and Defence Guns, and the ranked personnel competent to give order for their use have been offered advanced training (12678 in total) in distance, in smart class environments and onsite as in-service training between the dates of 25th March-05th April 2015.

Besides studies on regulating the "Draft Directive on Using Tear Gas and Defence Guns and Related Equipment and Ammunition" to arrange general principles and procedures to using tear gas and defence guns in the inventory of the Riot Police are continuing. "The Directive on the Operational Principles and Procedures in Assemblies and Demonstrations for the Personnel Charged in Social Events" has been published for the purposes of possessing a countrywide standard application and ensuring a proportionate use of force by police through setting forth the stages of using force, the technique-tactic adjustment to be used and means of using force in line with the plans of prevention and intervention to be prepared, in coordination with the other units, before the social event organized unlawfully or post facto organized unlawfully or transformed subsequently into an unlawful form, and needing to be responded by Riot Police and other related units. In the mentioned directive, studies of amendments are continuing for the principle of proportionate use of force to disperse the demonstrators at the stages of use of force in case of any resistance by the protesters to disperse despite the warning performed by security forces during the assemblies and demonstrations.

Possible comments on related articles in the unedited version of the follow up report to the recommendations contained in Mr Christof Heyns's country visit report to Turkey have already been taken into consideration by Turkish officials as mentioned in his letter dated 19 March 2015. The possible comments made on the articles below are as follows:

Article 66: Turkey needs to make sure a working independent complain mechanism, as recommended by the Rapporteur in this article, in preventing a culture of impunity against public officials.

Article 71: Prosecutorial and judicial discretion needs working properly in any country let alone Turkey as it is essential to maintain it for a democratic society based upon the rule of

law. Turkey is in need of taking serious measures in this matter as recommended by the Rapporteur in this article though the claim for the lack of accountability of Turkey in this matter is somehow needs further investigation.

Article 72: As for concerns mentioned in this article Turkey is trying to resolve possible wrongs made against people. However the concerns relating to the public officials receiving lighter sentences when found guilty of tortures, ill-treatment or fatal shootings, in my view, need much deeper investigation by the Rapporteur. Recommendations made by the Rapporteur are also significant.

Article 73: The Rapporteur has every freedom and right to make his personal comments relating to the Article 29 of the Criminal Code. However it is up to Turkish judges how to interpret the article 29 of the Criminal Code as it is obvious that it establishes the mitigating factors. Hence any rule in the law can be misinterpreted or misused if it is an abstract and general one. However, there is a working appeal system to prevent these kind of misuses in Turkish Criminal Justice as mentioned by the Rapporteur himself in his report.

Article 74: In this article the Rapporteur is absolutely right that the appeal remedies may be hindered further by workload and case backlog in the judicial system. Therefore the district and regional courts have been established though they have not started to work yet due to the lack of qualified staff.

As for the conclusion there might be/are lack of practising appropriate measures to prevent some misuses and wrongs in the Turkish Criminal Justice System. However some of the concerns of the Rapporteur need further investigation. Some of the concerns are not related only to prosecutorial and judicial discretion, they are also deeply related to the cultural and democratic issues as every individual needs to prioritize those values in their life to establish a democratic society. It might take time to do so although Turkey is trying her best to make sure the international human rights standards are up to the level expected. Therefore time and education are needed for Turkey developing towards a more democratic society. Most recommendations suggested by the Rapporteur are welcome to be implemented although some issues and concerns raised in the report are discussible and need further investigation as they do not reflect the whole facts of the matters.

**Amendment 1 by the Committee on Equal Opportunity for Women and Men**

*Taking into consideration following contribution for the 40th Paragraph:*

It should be stated that Turkey is the first state which signed and ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as Istanbul Convention.

**Amendment 2 by the Committee on Equal Opportunity for Women and Men**

*Amending the 43rd Paragraph:*

Amending the clause "infrastructure" in the first sentence of the 43rd Paragraph as "legal and administrative infrastructure" which will be more accurate expression.

**Amendment 3 by the Committee on Equal Opportunity for Women and Men**

*Taking into consideration following contribution for the 45th Paragraph:*

The Special Rapporteur recommended that Turkey enact comprehensive and specific legislation on hate crimes in accordance with international standards and review legislation to include language sensitive to gender identity and sexual orientation. Here, it can be said

that the Turkish Penal Code contains several provisions on hate crimes, such as Article 115, 125/3, 216 even if there is no specific legislative regulations for such crimes.

Moreover, within the context of the Project (Fostering an Enabling Environment for Gender Equality in Turkey) carried out in cooperation with the UN Women, the Committee on Equality of Opportunity for Women and Men as a standing committee of the Grand National Assembly of Turkey has reviewed thirty one acts in the fields of education, health, local governments, family-woman-child, political life, organizational laws, media, and employment from the gender equality point of views.

**Amendment 4 by the Committee on Human Rights Inquiry**

*Amending Appendix A.7 as follows:*

"The Committee on Human Rights Inquiry at the Grand National Assembly of Turkey adopted Inquiry Report on Uludere Incident in the date of 27th March, 2013 which was shared with the public. The Committee obtained all the information and evidence relating to the event that was included in the report in an objective and transparent manner. Besides, including the dissenting opinion given by MPs from the Opposition on the report was shared with the public.